

**LOWER BIG BLUE NATURAL RESOURCES DISTRICT
GROUNDWATER RULES AND REGULATIONS**

**Lower Big Blue Natural Resources District
Staff and Board of Directors**

Approved:

March 27, 2014

**LOWER BIG BLUE NATURAL RESOURCES DISTRICT
GROUNDWATER RULES AND REGULATIONS**

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LOWER BIG BLUE NATURAL RESOURCES DISTRICT GROUNDWATER RULES AND REGULATIONS

1. AUTHORITY FOR ISSUING THESE RULES AND REGULATIONS

- 1.1. Groundwater Management Plan – On December 19, 1985, the District’s first Groundwater Management Plan went into effect pursuant to the passage of Nebraska Revised Statute Chapter 46, Article 6, Section 73.01 enacted by the 88th Nebraska Legislature.
- 1.2. Addendum to the Groundwater Management Plan – In 1993, the District updated the Water Management Plan of 1985 with the Addendum Groundwater Management Plan pursuant to the passage of Nebraska Revised Statute Chapter 46, Article 6, Section 73.13 enacted by the 92nd Nebraska Legislature. The Statute required Natural Resources Districts to amend their groundwater management plans to identify, manage and establish goals concerning groundwater quality.
- 1.3. Addendum to the Groundwater Management Plan – In 1995, the District updated the Water Management Plan of 1985 with the Addendum Groundwater Management Plan pursuant to the passage of Nebraska Revised Statute Chapter 46, Article 6, Section 73.13 enacted by the 92nd Nebraska Legislature. The Statute required Natural Resources Districts to amend their groundwater management plans to identify, manage and establish goals concerning groundwater quality. This Addendum proposed a Special Protection Area in a six township area northwest of Beatrice.
- 1.4. Groundwater Management Plan Rules and Regulations – On November 26th, 2013, the District Board of Directors approved a resolution placing an immediate temporary 180 day stay on the construction of any new water well designed to pump greater than 50 gallons per minute, pursuant to Nebraska Revised Statute Chapter 46, Article 707, Section 2.
- 1.5. Groundwater Management Plan Rules and Regulations – On March 27, 2014 updated Groundwater Management Plan Rules and Regulations were adopted placing the entire District into a Phase I Groundwater Management Area. The Phase I designation also required obtaining a permit for any wells designed and constructed to pump greater than 50 gallons per minute.

2. APPLICATION OF THESE RULES AND REGULATIONS

- 2.1. Rules and Regulations for GWQMA – Chapters 3 through 17 of these rules and regulations shall apply to District determined Groundwater Quantity Management Areas.

3. EFFECTIVE DATE OF THESE RULES AND REGULATIONS

- 3.1. Effective date – These rules and regulations shall become effective on March 27th, 2014 and shall remain in full force and effect until revised, repealed, amended or superseded.
- 3.2. Previous rules and regulations superseded – All previous Groundwater Quantity Management Area Rules and Regulations are hereby superseded.

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4. DEFINITIONS THAT APPLY TO THESE RULES AND REGULATIONS

- 4.1. Abandoned water well – Abandoned water well shall mean any water well (1) the use of which has been accomplished or permanently discontinued, (2) which has been decommissioned as described in the rules and regulations of the Department of Health and Human Services Regulation and Licensure, and (3) for which the notice of abandonment required by Neb Rev. Stat. §46-602(2) has been filed with the Department of Natural Resources by the licensed water well contractor or pump installation contractor who decommissioned the water well or by the water well owner if the owner decommissioned the water well.
- 4.2. Acre inch – Acre inch shall mean the amount of water necessary to cover one (1) surface acre of land to a depth of one (1) inch.
 - 4.2.1. For the purposes of these rules and regulations one (1) acre inch is equal to twenty-seven thousand one hundred fifty four (27,154) gallons.
- 4.3. Allocation – Allocation shall mean the apportioning of groundwater.
 - 4.3.1. As related to water use for irrigation purposes – the allotment of a specified total number of acre-inches of irrigation water per irrigated acre per year or an average number of acre-inches of irrigation water per irrigated acre over any reasonable period of time.
- 4.4. Aquifer – aquifer shall mean a geological formation, group of formations, or part of a formation having pores or open spaces that contain sufficient saturated permeable material capable of yielding a significant quantity of water to satisfy a particular demand.
- 4.5. Board or Board of Directors – Board or Board of Directors shall mean the Board of Directors of the Lower Big Blue Natural Resources District acting in its official capacity.
- 4.6. Certified groundwater use acre – Certified groundwater use acre shall mean a groundwater use acre certified by the Board for the application of groundwater pursuant to these rules and regulations.
- 4.7. Confined Aquifer – Confined aquifer shall mean groundwater that is confined under pressure greater than atmospheric by overlying relatively impermeable strata. Confined aquifers are also known as artesian or pressure aquifers.
- 4.8. Decommission – Decommission shall mean the act of filling, sealing and plugging of a water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act.
- 4.9. District – District shall mean the Lower Big Blue Natural Resources District or the staff or others designated by the Board of Directors to carry out these rules and regulations.

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- 4.10. District groundwater level – District groundwater level shall mean the average level of the surface of the groundwater table as determined in accordance with Chapter 9 of these rules and regulations.
- 4.11. Flowmeter – Flowmeter or meter shall mean a device of type and design approved by the District and installed in connection with the use of a groundwater well that, when properly installed, measures the total quantity and rate of groundwater withdrawn.
- 4.12. Government survey section – Government survey section shall mean a section of land approximately one (1) square mile in size as defined by the United States Government Department of Interior Bureau of Land Management Public Land Survey System (PLSS) of townships, ranges, sections, quarter sections, etc.
- 4.13. Groundwater – Groundwater shall mean water that occurs, moves, seeps, filters or percolates through the ground under the surface of the land.
- 4.14. Groundwater Quantity Management Area Phase I – Groundwater Quantity Management Area Phase I or GWQMA Phase I shall mean all areas of the District designated for Phase I management and regulation activities related to groundwater quantity.
- 4.14.1. GWQMA Phase I includes all areas of the Lower Big Blue Natural Resources District that are not designated as Phase II or Phase III GWQMAs.
- 4.14.2. Map showing the geographic area and the legal description of the District's GWQMA are attached hereto as Appendix A and B respectively and incorporated herein by reference.
- 4.15. Groundwater Quantity Management Area Phase II – Groundwater Quantity Management Area Phase II or GWQMA Phase II shall mean an area designated for Phase II management and regulation activities related to groundwater quantity.
- 4.15.1. GWQMA Phase II includes all management and regulation activities of Phase I GWQMAs.
- 4.15.2. GWQMA Phase II includes only portions of the Lower Big Blue Natural Resources District as designated.
- 4.16. Groundwater Quantity Management Area Phase III – Groundwater Quantity Management Area Phase III or GWQMA Phase III shall mean an area designated for Phase III management and regulation activities related to groundwater quantity.
- 4.16.1. GWQMA Phase III includes all management and regulation activities of Phase I and Phase II GWQMAs.
- 4.16.2. GWQMA Phase III includes only portions of the Lower Big Blue Natural Resources District as designated.
- 4.17. Groundwater use acre – Ground water use acre shall mean an acre of land that a groundwater user wants to apply groundwater to, pursuant to these rules and regulations.

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- 4.18. Groundwater use period – Ground water use period shall mean a period of time for which an allocation is set, to be determined by the Board.
 - 4.18.1. The first groundwater use period shall begin on the effective date of Chapters 21 through 23 of these rules and regulations.

- 4.19. Groundwater user – Ground water user shall mean a person or entity, who at any time, extracts, withdraws or confines groundwater for any use by him or herself or allows such use by other persons at a rate greater than fifty (50) gallons per minute. If the landowner and operator is not the same person, the term “groundwater user” shall mean both the landowner and the operator.
 - 4.19.1. Agricultural user shall mean a groundwater user that uses groundwater for irrigation, recreation, wildlife or other uses that require the application of groundwater to the surface of the land.
 - 4.19.2. Municipal user shall mean a groundwater user that is an incorporated city or village, rural water district or sanitary improvement district that withdraws groundwater from a water well to serve its customers for domestic purposes as it relates to human needs of health, fire control and sanitation.
 - 4.19.3. Other user shall mean a groundwater user that uses groundwater for purposes other than those described in the definitions of agricultural and municipal users.
 - 4.19.3.1. Other user shall include a customer of a municipal user that uses groundwater for commercial, industrial or manufacturing purposes.

- 4.20. High Capacity Well – High capacity well shall refer to any water well designed and constructed to pump greater than 50 gallons per minute.

- 4.21. Illegal water well – Illegal water well shall mean
 - 4.21.1. A water well operated or constructed without, or in violation of, a permit required by these rules and regulations or by the Nebraska Ground Water Management and Protection Act or
 - 4.21.2. A water well that is not properly registered in accordance with the provisions of Neb. Rev. Stat. § 46-602 to § 46-604, or
 - 4.21.3. A water well constructed or operated in violation of the Water Well Standards and Contractor Licensing Act or
 - 4.21.4. A replacement water well constructed or operated in the place of a water well that has not been properly decommissioned in violation of the Water Well Standards and Contractor’s Licensing Act or
 - 4.21.5. A water well not in compliance with any other applicable laws of the State of Nebraska or with any provisions of these rules and regulations.

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- 4.22. Management area – Management area shall mean a geographic area designated by the Board of Directors.
- 4.23. Monitoring well – Monitoring well shall mean a water well that is designed and constructed to provide the District ongoing hydrologic and groundwater quantity and quality information. A monitoring well may have a permanent pump installed to withdraw groundwater samples for analysis but is not intended for consumptive use.
- 4.24. Nitrogen fertilizer – Nitrogen fertilizer shall mean a chemical compound in which the percentage of nitrogen is greater than the percentage of any other nutrient in the compound or, when applied, results in an average application rate of more than twenty (20) pounds of nitrogen per acre over the field to which it is being applied.
- 4.25. Nonpoint source – Nonpoint source shall mean any source of pollution resulting from the dissolution and disbursement of widespread, relatively uniform contaminants from a nonspecific origin.
- 4.26. Observation well – Observation well shall mean a well monitored by the District or other public agency to measure fluctuations in the static water level of groundwater within an aquifer.
- 4.27. Operator – Operator shall mean a person, partnership, association, corporation, municipality or other entity which operates irrigated or dryland properties for the production of agricultural, horticultural, silvicultural, nursery products or aquaculture.
- 4.28. Parcel of land – Parcel of land or parcel shall mean an area of land as defined by distinct boundaries.
- 4.29. Permit – Permit shall mean a document obtained, in accordance with the Nebraska Groundwater Management and Protection Act and these rules and regulations, authorizing the construction or modification of a water well or its use.
- 4.29.1. A permit may be issued for construction or modification of a water well for which a permit was not previously issued.
- 4.29.2. A permit may be issued for construction, modification or increased groundwater withdrawal from a water well as provided in Ch. 5.2.3 and 5.2.4.
- 4.29.3. A late permit may be issued when a water well was illegally constructed or modified without first receiving a permit.
- 4.30. Permit holder – Permit holder shall mean a person that has been issued a permit in accordance with these rules and regulations.
- 4.31. Person – Person shall mean a natural person, personal representative, trustee, guardian, conservator, partnership, association, corporation, municipality, irrigation district, agency or political subdivision of the State of Nebraska, or a department, agency or bureau of the United States.

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- 4.32. Saturated thickness – Saturated thickness shall mean the vertical height of a hydrogeologically defined aquifer unit in which the pore spaces are 100% saturated with water. For unconfined, unconsolidated aquifers, the saturated thickness is equal to the difference in elevation between the bedrock surface and the water table.
- 4.33. Static Water Level (SWL) – Static water level shall mean the level at which water stands in a water well when no water is being removed from the aquifer. SWL is expressed as the distance from the ground surface or measuring point near the ground surface to the water level in the well.
- 4.34. Testhole – Testhole shall mean a hole or shaft, usually vertical, excavated in the earth for subsurface exploration to determine and record or log the depth to water, and the depth, color, character, thickness, size of material of the various geologic formations encountered.
- 4.35. Thickness of Principle Aquifer Map shall mean the Nebraska Department of Environmental Control and the Conservation Survey Division – University of Nebraska map titled “Thickness of Principle Aquifer, 1979, Lincoln and Nebraska City Quadrangle, Nebraska.”
- 4.35.1. The aquifer thickness was determined by superimposing maps showing the configuration of the base of the principal aquifer and configuration of the water table. The difference between the two maps and well data from testholes and registered wells was used to derive contour lines of equal thickness. The principal aquifer is composed mostly of unconsolidated deposits of fine-grained material, primarily glacial till of the Quaternary age.
- 4.35.2. Digitized from 1980 USGS 1x2 degree quadrangle paper maps, the map contains a series of contour lines illustrating the estimated thickness of the saturated sediments. Areas where the principal aquifer is shown to be 'absent or very thin' consist of impermeable rock or clay.
- 4.35.3. The map is hereby adopted by reference.
- 4.36. Unconfined aquifer – Unconfined aquifer shall mean groundwater that is under the pressure exerted by the overlying groundwater and by atmospheric pressure.
- 4.37. Variance – Variance shall mean (a) the approval to act in a manner contrary to the existing rules or regulations from a governing body whose rule or regulation is otherwise applicable, (b) an approval to deviate from a restriction imposed under.
- 4.38. Water well – Water well shall mean (a) any artificial opening or excavation made in the ground 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 Neb. Rev. Stat. § 81-1502 into an 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

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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 a surface water appropriation.

5. WATER WELL PERMITS

- 5.1. Construction, decommissioning and temporary capping of water wells – Any person that owns or controls land upon which the construction, decommissioning or temporary capping of a water well is to be accomplished, shall accomplish such tasks in accordance with the Water Well Standards and Contractor Licensing Act and the regulations adopted pursuant thereto.
- 5.2. When a permit is required – Any person who intends to construct any new or replacement water well(s) that fall within the following categories on land which he or she owns or controls within the District shall, before commencing such activity, apply for a permit from the District on forms provided by the District and receive approval from the District:
 - 5.2.1. Any water well designed and constructed or modified to pump greater than fifty (50) gallons per minute.
 - 5.2.2. Any water well designed and constructed to pump fifty (50) 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 serving a single purpose, other than a water source used to water range livestock. Each well in the commingled system shall be permitted and the combined capacity shall be used as the rated capacity on the permit applications.
 - 5.2.3. Any person who has failed or in the future fails to obtain a permit as required by subsection 5.2.1 or 5.2.2 shall make application for a late permit on forms provided by the District. The late permit application shall contain the same information as required by Chapter 5.4. The application for a late permit shall be accompanied by a two hundred fifty dollar (\$250) fee payable to the District.
- 5.3. Spacing of Water Wells – No water well requiring a permit under this chapter shall be constructed within 1,000 feet of any other registered irrigation, public water supply, or commercial/industrial wells under separate ownership or any non-constructed wells with a valid well permit. No water well requiring a permit under this chapter shall be constructed within 500 feet of a domestic well under separate ownership.
 - 5.3.1. Replacement well spacing, special conditions – A replacement well may be constructed no more than 50 feet from the original well if the original well is less than 1,000 feet from a well under different ownership.
 - 5.3.2. Illegal water wells not protected – Illegal water wells are not protected by the provisions of this Rule. The failure of a person to update water well registration information, ownership and irrigated acres records shall not jeopardize his or her well spacing protection provided under this Rule unless:

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- 5.3.2.1. The District determines that said person has knowingly attempted to deceive the District.
- 5.3.2.2. The well owner was notified by the District that the water well was identified as unregistered and constructed after such date in which registration was required and said person failed to act in good faith to register the water well. If the well owner agrees to comply with registering the water well, the District will provide assistance as needed.
- 5.3.2.3. The District determines that said person has failed to act in good faith in matters pertaining to these rules and regulations.
- 5.3.3. Spacing for commingled water wells – When water wells are commingled, combined, clustered, or joined and have a combined total capacity greater than fifty (50) gallons per minute, each water well shall comply with all provisions of Chapter 5.3.
- 5.3.4. No more than two irrigation wells will be approved to apply water in a series.
- 5.3.5. Request for a spacing variance – Any person applying for a permit to construct a well that would violate any portion of Chapter 5.3 may request a variance as outlined in Chapter 6.
- 5.4. Information required for a permit application – The application shall be accompanied by a non-refundable fifty-dollar filing payable to the District and shall contain (a) the name and post office address of the applicant or applicants, (b) the intended 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 or desired capacity in gallons per minute, (f) the acreage and location 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, and (i) such other information as the District requires.
 - 5.4.1. Each application for a permit or late permit must be accompanied with documentation that a test hole was drilled with the following information included:
 - 5.4.1.1. A geologic/lithologic log of materials encountered with depth.
 - 5.4.1.2. Geographic coordinates of the testhole location.
 - 5.4.1.3. The testhole must be drilled within 300 feet of the proposed well location, as indicated on the well permit application.
 - 5.4.1.4. The geologic/lithologic log must clearly detail the depth, color, thickness and size of material of the various geologic formations encountered and the measured depth to groundwater from the ground surface.
 - 5.4.2. Each application for a permit or late permit shall include or be provided any additional information deemed necessary by the District to determine compliance with these rules and regulations.

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- 5.4.2.1. Additional information may include, but is not limited to, a testhole geophysical log, a hydrogeologic evaluation and/or groundwater modeling analysis.
- 5.4.3. If the District finds that the application for a permit or late permit is incomplete or needs corrections, it shall return the application to the applicant for any necessary corrections. Corrections must be made within sixty (60) days or the application will be cancelled. No refund of any application fees shall be made regardless of whether the permit is approved, canceled or denied.
- 5.5. Well permit review – District staff will review the applications received and compile all pertinent hydrogeologic data, information provided by the applicant and other information that is readily available. Permit applications will be given a timestamp upon their arrival at the District and will be reviewed according to the time they were received. The information will be brought forth to the Board or designated sub-committee for consideration where upon a motion will be made to approve, deny or table the application. The motion made in the sub-committee meeting will be brought forth to the entire Board for consideration. An application may be tabled until the next Board meeting if the sub-committee and/or Board feels additional information is needed to make a decision or the application was received after 4:30 pm on the Thursday prior to the regularly scheduled monthly Board meeting.
 - 5.5.1. Using the best data available to the District, including any information submitted by the applicant as part of the well permit application, evidence must show that the proposed well has the ability to meet or exceed the flow volume included on the permit application and produce enough water to support the purpose shown on the permit application. Data must also show that the well will not have a significant negative impact to the long term sustainability of the aquifer that serves as the primary source of water for the proposed well and the proposed well will not negatively impact the ability of pre-existing properly constructed, maintained and operate registered wells served by the same primary aquifer to operate in a reasonable manner. Permit applications meeting all the criteria set forth in this section shall be approved by the District and those failing to meet the criteria shall be denied or approved with conditions as established by the District.
 - 5.5.2. The District has developed a standardized method for evaluating and ranking well permit applications based upon criteria set forth in the District's Well Permit Ranking System (See Appendix A). The main criteria considered includes 1) the thickness of primary aquifer formation, 2) calculated transmissivity of the primary aquifer formation, 3) well density of surrounding irrigation, domestic, livestock and public water supply wells and 4) the method of applying groundwater to land if the well permit application is for irrigation. The Board reserves the right to adjust the methodology in Appendix A to comply with the best available data and methodologies.
 - 5.5.3. Public water supply wells are exempt from the requirements of Chapters 5.5.2 and 5.6.5 however Chapters 5.2, 5.3 and 5.4 will remain applicable;
- 5.6. Denial of a permit – An application for a permit or late permit for a water well in a management area shall be denied only if the District finds:

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- 5.6.1. Applications failing to meet the criteria set forth Chapter 5.5.1;
 - 5.6.2. That the location or operation of the proposed water well or other work would conflict with any regulations or controls adopted by the District or of other applicable laws of the State of Nebraska;
 - 5.6.3. The applicant refuses to agree the terms in Chapter 5.13;
 - 5.6.4. That a well permit application includes any intentionally misleading or falsified data;
 - 5.6.5. The well permit application fails to meet a minimum ranking score established by the Board of Directors;
 - 5.6.6. That the proposed use would not be a beneficial use of water for domestic, agricultural, manufacturing or industrial purposes;
 - 5.6.7. In the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit. All permits shall be issued with or without conditions attached and approved or denied not later than sixty (60) days after receipt by the District of a complete and properly prepared application.
- 5.7. Hydrogeologic evaluation required – Any person who intends to modify any existing water well or construct any new or replacement water well with an annual withdrawal of groundwater greater than 500 acre-feet, such person shall, in addition to the information and requirements for the well permit application in Chapter 5.2, 5.3 and 5.4, provide the District with a hydrogeologic evaluation illustrating the impact, if any, from the intended withdrawal on the static water level of the aquifer and on local groundwater users.
- 5.7.1. Construction/withdrawal prohibited – The NRD Board of Directors reserves the right to deny any well permit application under this section based upon the following:
 - 5.7.1.1. the proposed water well is shown by the hydrogeologic evaluation and/or other data and information to have a reasonable short or long-term probability of adversely impacting the local aquifer and surrounding groundwater wells with a higher preference of use (Neb. Rev. Statute §46-613), or
 - 5.7.1.2. the hydrogeologic evaluation does not conform with accepted methods, or the data used does not adequately represent actual hydrologic and/or hydrogeologic conditions, or
 - 5.7.1.3. no waivers of liability have been obtained or provided by the well permit applicant, or
 - 5.7.1.4. the construction of the water well or increased groundwater withdrawal would violate any other provisions of these rules and regulations or

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- 5.7.1.5. the application fails to meet the minimum criteria set forth in Chapter 5.6.
- 5.8. Groundwater withdrawal – For purposes of this chapter, groundwater withdrawal shall mean the total groundwater pumped, less any water returned to the aquifer through an injection well within one thousand (1,000) feet of the source.
 - 5.8.1. Operations that return water to the aquifer must provide the District with evidence of compliance with federal, state and local rules and regulations governing such activities.
- 5.9. Waivers of liability – Waivers of liability obtained from potentially impacted groundwater users will be considered by the District when determining whether to grant or deny a water well permit.
- 5.10. Flow meter required – All new and replacement water wells designed and constructed to pump greater than 50 gallons per minute or existing water wells modified to pump greater than 50 gallons per minute must be equipped with a flow meter prior to groundwater withdrawal if any of the following conditions are met:
 - 5.10.1. Any new or replacement high capacity wells approved after March 27st, 2014.
 - 5.10.2. The proposed or modified existing water well is located within a designated Phase II or Phase III Groundwater Quantity Management Area.
 - 5.10.3. Allocations as outlined by Chapters 15, 16 and 17 become effective.
 - 5.10.4. Any person with an approved permit that owns or controls land upon which a water well is proposed to be constructed or groundwater withdrawal increased as provided in Chapter 5.7.
- 5.11. Exempt wells – No permit shall be required for (a) test holes or dewatering wells with an intended use of ninety days or less, or (b) for single water wells designed and constructed to pump fifty (50) gallons per minute or less.
- 5.12. Permit no exemption from liability – The issuance of a permit by the District, as provided for in this Rule, should not be construed by the applicant to exempt him or her from any liability which may result from the withdrawal of groundwater.
- 5.13. When a permit is approved – When a permit is approved the applicant shall commence construction of the water well as soon as possible after the date of the permit approval. The applicant shall have one (1) year after the permit approval date to complete construction of the well. If the applicant fails to complete the well under the terms of the permit, the District will cancel the permit.
 - 5.13.1. After the water well registration filing date with the Department of Natural Resources, the applicant agrees to allow District staff:
 - 5.13.1.1. to collect a GPS (global positioning satellite) location coordinate of said well;

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- 5.13.1.2. to collect and analyze a water sample from said well, in order to establish a benchmark nitrate-nitrogen concentration;
- 5.13.1.3. to measure the pumping rate from said well under normal operating conditions.
- 5.13.2. The applicant agrees to allow the District to add the approved well or wells to the District's observation well monitoring network for collecting static water level measurement data as deemed necessary.
- 5.14. A permit issued shall specify all regulations and controls adopted by the District relevant to the construction or utilization of the proposed water well. The District shall transmit one copy of each permit issued to the Nebraska Department of Natural Resources, the permit applicant and the identified well contractor.

6. REQUEST FOR VARIANCE

- 6.1. Request for a variance – The Board may grant variances from the strict application of these regulations upon good cause shown. An applicant may apply to the District for a request for a variance and a well permit application shall accompany the request for a variance.
- 6.2. Information required – An application for a variance shall be made on forms provided by the District. An application for a request for a variance shall include the following:
 - 6.2.1. A citation of the provision in these rules for which a variance is requested.
 - 6.2.2. A map showing the location of lands and measured distances from the proposed well location to any existing water wells or any non constructed wells with a valid and approved permit that would be affected.
 - 6.2.3. An explanation as to why the variance is needed including:
 - 6.2.3.1. How the person making applications for the variance would be affected if the variance is not granted, and
 - 6.2.3.2. Alternatives considered, including why each alternative was rejected in lieu of a variance.
 - 6.2.4. The name and address of all landowners adjacent to the location of the requested variance.
 - 6.2.5. A written waiver of objection signed by all adjacent landowner(s) or water well owner(s) that would be directly affected by the granting of a variance.
 - 6.2.6. Any other information the person making the request shall deem relevant.
 - 6.2.7. Any other information deemed necessary by the District.

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- 6.2.8. A \$100.00 non refundable application fee payable to the Lower Big Blue Natural Resources District. This fee does not include the well permit fee.
- 6.2.9. Upon receipt of the application, the District or a committee which has been delegated authority by the Board to approve or deny a variance shall have 60 days to approve or deny the variance.
- 6.2.10. All variance requests must be approved by the Board, unless approval authority has been delegated to a committee by the Board.
- 6.2.11. When issuing a variance, the District or committee which has been delegated authority by the Board to approve or deny a variance, may include specific conditions which will be required as part of the permitting or drilling process.
- 6.2.12. Any variance granted under Rule 6.1 will be valid for a period of not more than 180 days from its date of approval. This rule supersedes the one year construction period as set forth in Chapter 5.13.
- 6.3. Applicant shall appear before the Board – The applicant applying for a variance or his or her representative shall appear before the Board or a delegate committee to present the reasons for the variance request.
 - 6.3.1 With prior notification to the District, written testimony may be provided if the applicant cannot be present to meet with the committee.
- 6.4. Requests considered on case by case basis – Requests for variances shall be considered by the Board on a case by case basis.
- 6.5. Grantee must agree to conditions for granting a variance – If a variance is granted, the grantee may be required to sign an affidavit agreeing to all terms and conditions of the variance.
 - 6.5.1. The affidavit will be recorded with the Register of Deeds by the District.
 - 6.5.2. The recorded affidavit will be attached to all properties affected by the variance.

7. ENFORCEMENT OF RULES AND REGULATIONS

- 7.1. Enforcement of these rules and regulations – These rules and regulations will be enforced by cease and desist orders entered by the Board, in accordance with the Nebraska Groundwater Management and Protection Act, and by bringing an appropriate action in the district court in the county where the violation occurs.
- 7.2. Appeal – A person aggrieved by a ruling of the Board concerning a matter contained in these rules and regulations shall have a right to request a formal adjudicatory hearing.
- 7.3. Situations not covered by these rules and regulations – The Board may consider situations not covered by these rules and regulations on a case by case basis.

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- 7.4. Severability – If a rule or part of a rule herein is declared invalid or unconstitutional such declaration will not affect the validity or constitutionality of the remaining rules or portions thereof.
- 7.5. Rules and Regulations not an exemption from state laws – Nothing contained in these rules and regulations shall exempt a person from the provisions of applicable state laws.

8. PHASE I GROUNDWATER QUANTITY MANAGEMENT AREA DETERMINATION AND REQUIREMENTS

- 8.1. Phase I Groundwater Quantity Management Area – Upon establishment of these rules and regulations, the entire District shall be designated as a Phase I Groundwater Quantity Management Area.
- 8.2. Any person who intends to construct any new or replacement water well designed to pump greater than 50 gallons per minute on land which he or she owns or controls in the District shall, before commencing construction, comply with the rules set forth in Chapter 5 – Water Well Permits.
 - 8.2.1. A flow meter must be equipped with a totalizer gauge that reads in acre-inches or gallons and a flowrate gauge that reads in gallons per minute.
 - 8.2.2. Total annual groundwater withdrawal reports will be required by December 31st for the year.
- 8.3. Board may establish a goal for all wells within the District to be equipped with meters within a reasonable time frame.
- 8.4. Board will certify groundwater use acres as defined in Chapter 12 of these rules.

9. PHASE II GROUNDWATER QUANTITY MANAGEMENT AREA DETERMINATION AND REQUIREMENTS

- 9.1. Phase II Groundwater Quantity Management Area (GWQMA) – The District will initiate the following actions when the Determination of District Groundwater Levels indicates the static water level elevation has decreased by 5 feet below 1982 baseline levels or 5% or more below the upper elevation of the saturated thickness for any well with saturated thickness less than 100 feet in the Observation Well Monitoring Network for a three consecutive year period. If a monitoring well does not have a 1982 baseline level, its baseline level will be its inaugural year. When this trigger is actuated, the NRD will take the following actions:
 - 9.1.1. Increase the number of wells monitored in the area to determine the extent of the problem, to serve as a basis for triggering a Phase II GWQMA, and to obtain the hydrogeologic information necessary to delineate a Phase II GWQMA. The intensified monitoring program described below applies to the entire District. The actual monitoring program for each problem area may vary according to the local hydrogeologic characteristics of the area.

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- 9.1.2. The District will determine an initial area to be monitored. The district will notify water users within a 3 mile radius of the critical well(s) of the condition. The district shall assess the land use, water usage, precipitation data, number of active irrigation wells and any other pertinent information to make recommendations on voluntary water conservation practices. The shape and size of the area will change as more information is gathered or as the Board determines due to other potential quantity issues.
- 9.1.3. Install dedicated observation wells as deemed necessary to collect additional geologic and static water level data.
- 9.1.4. The District may additionally require any combination of the options listed below to encourage conservation in the district:
 - 9.1.4.1. Well spacing requirement adjustments
 - 9.1.4.2. Installation of flow meters and reporting of irrigated acres
 - 9.1.4.3. Developing water allocation amounts
 - 9.1.4.4. Developing crop rotation systems
 - 9.1.4.5. Other conservation practices to be decided by the Board
 - 9.1.4.6. Annual groundwater use reporting
- 9.2. All new permitted wells approved and constructed will be added to the District's observation well network.
- 9.3. An area may be removed from Phase II status when monitoring wells show that groundwater levels have recovered above the Phase II triggers for three consecutive years. The area would return to Phase I status.

10. PHASE III GROUNDWATER QUANTITY MANAGEMENT AREA DETERMINATION AND REQUIREMENTS

- 10.1. Phase III Groundwater Quantity Management Area (GWQMA) – The District will initiate the following actions when the Determination of District Groundwater Levels indicates the static water level elevation has decreased by 30% or more below the Phase II triggers for any well in the Observation Well Monitoring Network for a three year consecutive period, or sooner if the Board decides. When this trigger is actuated, the NRD will take the following actions:
- 10.2. All Phase I Groundwater Quantity Management Area Requirements as set forth in Chapter 8 and all Phase II Groundwater Quantity Management Area Requirements as set forth in Chapter 9 shall apply.
- 10.3. A Phase III Groundwater Quantity Management Area can only be designated from all or a portion of a previously designated Phase II GWQMA.
- 10.4. The closure to the issuance of any new well permits will be in effect for the entire Phase III area.
- 10.5. All registered wells in the Phase III area must be equipped with a totalizer gauge that reads in acre-inches or gallons and a flowrate gauge that reads in gallons per minute.

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- 10.6. Mandatory annual groundwater use allocations as determined by the NRD Board of Directors and set forth by Chapters 15, 16, and 17 of these rules and regulations will be in effect.
- 10.7. Replacement wells will be allowed however the replacement well cannot be designed to pump greater than the registered pumping capacity of the original well. A replacement well can be relocated out of a Phase III GWQMA into a lesser Phase area however Phase III rules will remain in effect until the Phase III area is dissolved by the Board of Directors.
- 10.8. Should it become apparent to the District that the management area is not preventing declines, the District will take further appropriate actions to encourage conservation in the District.
- 10.9. An area may be removed from Phase III status when monitoring wells show that groundwater levels have recovered to above the Phase III triggers for three consecutive years. The area will then become Phase II.

11. GROUNDWATER TRANSFER

- 11.1. Groundwater transfer permit – A groundwater transfer permit is required for the transfer of groundwater off the overlaying section to another section of land. 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 regularly scheduled monthly NRD Board meeting agenda. Any affected party may object to the transfer of groundwater by filing a written objection with the District, specifically stating the grounds for such objection. The objection must be received on or before the regularly scheduled monthly NRD Board meeting. Late objections will not be considered. Upon the filing of such objection, the District shall conduct a preliminary investigation to determine if the withdrawal, transfer and use of groundwater is consistent with the requirements of Chapter 11.2 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 requirements of Chapter 11.2, the District shall request that the Department hold a hearing on such transfer. A non-refundable application fee of fifty (50) dollars payable to the District shall accompany all requests for a groundwater transfer to cover costs associated with its review.
- 11.2. Transfers for Agricultural users–The District will consider a request for a new groundwater transfer by an agricultural user, as defined in Chapter 4.20.1, when the following criteria are met:
 - 11.2.1. The destination section is directly adjacent or diagonal to the source section, and
 - 11.2.2. No more than three thousand (3000) feet from the source, and
 - 11.2.3. The source well is at least one thousand (1000) feet from all other wells of separate ownership, including water wells that have a pumping capacity of fifty (50) gallons per minute or less, and

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- 11.2.4. The total transfer from the source section shall not exceed one-hundred and sixty (160) acres, and
- 11.2.5. The groundwater use acres in the destination section is limited to an amount less than or equal to the total number of acres in the source section, and
- 11.2.6. Both the source and destination sections are within the District.
- 11.2.7. The Board may deny transfers of groundwater into a surface water impoundment for the purpose of irrigation.
- 11.3. Transfers for Municipal and Other users – A municipal user or other user as defined in Chapter 4.20.2 and 4.20.3 shall only be allowed to initiate new groundwater transfers to a government survey section that is directly adjacent or diagonal to the source section.
 - 11.3.1. Transfers proposing to withdraw more than two-hundred and fifty (250) acre-feet annually shall conduct a hydrologic evaluation as provided in Chapter 5.7.
- 11.4. Transfers of groundwater into a stream – Transfers of groundwater into a stream may not leave the applicant’s property and shall be limited to the land section where the source well is located. The groundwater shall be tested and the water quality shall be included with the applicant’s transfer permit application.
- 11.5. In determining whether to grant a permit under this section, the Board of Directors for the District shall consider:
 - 11.5.1. Whether the proposed use is a beneficial use of ground water;
 - 11.5.2. The availability to the applicant of alternative sources of surface water or ground water for the proposed withdrawal, transport, and use;
 - 11.5.3. Any negative effect of the proposed withdrawal, transport, and use on ground water 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;
 - 11.5.4. Any adverse environmental effect of the proposed withdrawal, transport, and use of the ground water;
 - 11.5.5. The cumulative effects of the proposed withdrawal, transport, and use relative to the matters listed in Chapter 11.5.1 through 11.5.3 of this section when considered in conjunction with all other withdrawals, transports, and uses subject to this section;
 - 11.5.6. Whether the proposed withdrawal, transport, and use is consistent with the district's ground water quantity and quality management plan and with any integrated management plan previously adopted or being considered for adoption in accordance with Neb. Rev. Statute §46-713 to §46-719; and

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- 11.5.7. Any other factors consistent with the purposes of this section which the board of directors deems relevant to protect the interests of the state and its citizens.
- 11.5.8. 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.

12. CERTIFICATION OF GROUNDWATER USE ACRES AND ACRES REPORTING

- 12.1. Public notification will be made that certification of acres will be required as defined in Chapter 8 of these rules, when the District is designated as Phase I.
- 12.2. Board will certify groundwater acres – The Board will certify the number of groundwater use acres for each agricultural user based on the best information available from aerial imagery, remotely sensed data, USDA Farm Service Agency data and county assessor’s records.
 - 12.2.1. The Board will certify tax exempt groundwater use acres based on available information.
 - 12.2.2. The Board will consider new requests for certification of groundwater use acres monthly.
 - 12.2.3. The Board may consider adjustment to certified groundwater use acres based on evidence presented by the groundwater user.
- 12.3. Agricultural users must report – By March 1st, an agricultural user must report the following:
 - 12.3.1. The number and location of groundwater use acres.
 - 12.3.2. The water wells under his or her control.
 - 12.3.3. A copy of the most recent property tax statement, or other documentation from the county assessor showing irrigated acres, must be attached.
 - 12.3.3.1. For tax exempt groundwater use acres, the groundwater user shall provide available documentation as deemed necessary by the District.
 - 12.3.4. Any other information deemed necessary by the District.
- 12.4. Pooling of certified groundwater use acres – The certified groundwater use acres under the control of the same agricultural user in the same government survey section and/or irrigated by the same water well shall be considered (1) unit for the purposes of allocation under the following conditions:
 - 12.4.1. The owner of the land shall be considered the agricultural user in control of groundwater withdrawal unless his or her land is included in a pooling agreement.
 - 12.4.2. Pooling agreements will be permitted between agricultural users and units of groundwater use acres under the following conditions:

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- 12.4.2.1. Groundwater use acres in the same farming operation or served by the same water well may be pooled.
 - 12.4.2.2. One agricultural user shall be designated by the agreement to be responsible for all reporting of groundwater withdrawal and acres to the District.
 - 12.4.2.3. A new pooling agreement, or amendments to an existing pooling agreement, must be submitted to the District by March 1.
 - 12.4.2.4. All parties must sign the agreement or provide appropriate power of attorney.
 - 12.4.2.5. Certified groundwater use acres which have exhausted their allocation shall not be added to a pooling agreement.
- 12.5. Municipal users must report – By March 1, after the issuance of the public notice described in Chapter 12.1 of this Rule, a municipal user must report the following information to the District:
- 12.5.1. The water wells operated by the municipal user.
 - 12.5.2. The total acreage within the municipal jurisdictional limits.
 - 12.5.3. The irrigated agricultural acreage within the municipal jurisdictional limits.
 - 12.5.4. The dryland agricultural acreage within the municipal jurisdictional limits.
 - 12.5.5. Any acreage outside the municipal jurisdictional limits served by the municipal water supply system.
 - 12.5.6. The municipality’s population according to the most recent federal census.
 - 12.5.7. The number of people served by the municipal water supply system.
 - 12.5.8. The number of service connections served by the municipal water supply system.
 - 12.5.9. Any other information deemed necessary by the District.
- 12.6. Other groundwater users must report – By March 1 after the issuance of the public notice described in Chapter 12.1 of this Rule, the other groundwater user must report the following information to the District:
- 12.6.1. The water wells under the user’s control.
 - 12.6.2. The purpose of the groundwater withdrawal.
 - 12.6.3. Historic annual groundwater withdrawal, if known.

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- 12.7. Groundwater user must report changes in information – A groundwater user must report any changes or additions to the information required in this Rule within sixty (60) days.
- 12.8. Penalty for failure to report – The failure to report any information required by this Rule may result in the issuance of a cease and desist order denying the withdrawal of groundwater.

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13. ANNUAL GROUNDWATER USE REPORTS

- 13.1. Annual groundwater withdrawal reports may be required in Phase II or Phase III areas as described in Chapter 9.1.4.6 of these rules.
- 13.2. Agricultural groundwater user withdrawal report required – By December 31st of each year, an agricultural groundwater user shall report the groundwater withdrawal from each water well he or she controlled for the calendar year's growing season.
 - 13.2.1. A groundwater user's first report shall be due on December 31st, following his or her initial information report required by Chapter 12.
- 13.3. Municipal and other groundwater user withdrawal report required – By March 1st of each year, a municipal user and each other shall report the groundwater withdrawal from each water well he or she controlled for the previous calendar year.
 - 13.3.1. A groundwater user's first report shall be due on March 1st, following his or her initial information report required by Chapter 12.

14. WATER MEASUREMENT REQUIREMENTS

- 14.1. Groundwater withdrawal measured from connected wells – Groundwater withdrawals from water wells that are connected by a common pipeline may be measured by the use of one flow meter, provided the total groundwater withdrawal is measured.
- 14.2. All flow meters installed must be approved – All flow meters installed must be a type, brand and/or model approved by the District.
 - 14.2.1. The District will consider approval of flow meters installed prior to the implementation of these rules and regulations on a case by case basis.
- 14.3. Reporting flow meter installation – The groundwater user shall report the installation of a water flow meter within thirty (30) days after installation.
 - 14.3.1. The flow meter must be installed according to manufacturer's specifications.
- 14.4. Reporting malfunctioning meters – A malfunctioning flowmeter must be reported to the District within twenty-four (24) hours after discovery.
- 14.5. Flow meter maintenance – The District may inspect flow meters for proper installation and operation.
 - 14.5.1. The groundwater user shall be responsible for maintenance, repair and/or replacement of an improperly installed or malfunctioning flow meter.
 - 14.5.1.1. Maintenance must be done according to the schedule recommended by the manufacturer. If the manufacturer does not have written recommendations for maintenance, the NRD will determine an appropriate maintenance schedule.

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- 14.5.1.2. The District may offer maintenance of flow meters on a fee basis.
- 14.5.2. Records of the flow meter readings must be kept by the groundwater user when a flow meter is removed for off site service or replacement.
- 14.5.3. When a flow meter is removed for repair at a time when the groundwater user desires to withdrawal groundwater, the District may install a temporary flow meter.
 - 14.5.3.1. District approved methods of determining groundwater consumption may be used if a flow meter is not available or cannot be readily installed.
- 14.5.4. The flow meter service provider shall certify in writing that a flow meter meets the manufacturer’s specifications following repairs or calibration.
 - 14.5.4.1. The groundwater user shall provide the District with a copy of the certification.
- 14.6. Sealing of flow meters – Flow meters may be sealed by the District to prevent tampering.
 - 14.6.1. The District may consider whether or not to seal a flow meter when circumstances indicate doing so may cause unnecessary inconvenience for the groundwater user or the District.
- 14.7. Random inspection of flow meters – the District shall have access at all reasonable times to randomly inspect installed flow meters.
- 14.8. Removal of a seal must be approved – The seal on a flow meter shall not be removed without prior approval of the District.
 - 14.8.1. A flow meter may be removed for off season storage, where applicable.
 - 14.8.1.1. In order to prevent groundwater contamination when a flow meter is removed, the pipe opening must be covered in such a manner as to provide a water tight seal.
- 14.9. Penalty for failure to comply – A groundwater user that fails to report, or falsely reports groundwater withdrawal, removes a seal from a flow meter, damages or interferes with the operation of a flow meter, neglects to perform required maintenance, or allows another person to do so, shall be subject to forfeiture of allocation according to conditions set by the Board.
- 14.10. Variances will be considered – The District will consider variances in instances where Nebraska Department of Health and Human Services regulations governing public water supply systems conflict with these rules and regulations.

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15. ALLOCATION TO AGRICULTURAL USERS

- 15.1. Amount of groundwater allocated – Each agricultural user shall limit groundwater withdrawal to the allocation amount specified by the Board as set in 15.2.
- 15.2. Next allocation set by the Board – The Board will set a new allocation for the next groundwater use period by December 1st prior to the end of the previous groundwater use period.
 - 15.2.1. The groundwater use period and new allocation will be set by amendments to these rules and regulations in accordance with the requirements of state law.
- 15.3. Carryover of an unused portion of an allocation – When an agricultural user does not withdraw all of his or her allocation of groundwater during a groundwater use period, the unused amount shall be added to his or her next groundwater use period allocation.
 - 15.3.1. The maximum accumulated carry over shall not exceed one-third ($\frac{1}{3}$) of the allocation amount for the current allocation period.
- 15.4. Groundwater withdrawn in excess of agricultural user's allocation – Ground water withdrawn in excess of agricultural user's allocation shall be deducted from his or her next groundwater use period allocation.
- 15.5. Transfer of groundwater use acres to a different groundwater user – When the control of certified groundwater use acres is transferred to a different agricultural user during a groundwater use period, the remaining allocation balance for said acres shall also be transferred to the new agricultural user.
 - 15.5.1. If the groundwater use acres are in a pooling agreement, the affected agreements must be amended as provided in Chapter 12.
- 15.6. Acres Reduction Variance – A groundwater user may request that the District use a reduction in groundwater use acres as an alternative to groundwater allocation. The Board may consider such requests on a case by case basis.

16. ALLOCATION TO MUNICIPAL USERS

- 16.1. Next allocation to municipal users set by the Board – The Board will set a new allocation for the next groundwater use period by December 1st prior to the end of each groundwater use period.
 - 16.1.1. The groundwater use period and new allocation will be set by amendments to these rules and regulations in accordance with the requirements of state law.
- 16.2. Allocation for municipal user – A municipal user shall limit groundwater use to two hundred and seventy-four thousand (274,000) gallons per capita served per year plus forty-eight (48) inches per acre for one third ($\frac{1}{3}$) of the non-agricultural lands within the municipal jurisdictional limits for the groundwater use period.

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- 16.2.1. A municipal user shall receive an allocation of forty-eight (48) inches per acre for the groundwater use period for irrigated agricultural lands that it serves. This allocation shall be added to the municipal user's total allocation.
- 16.3. Conservation procedures required – By March 1st after implementation of this Rule, the municipal user shall submit to the District an adopted administrative procedure that allows the municipal user to require water conservation practices and restrict the water use of its customers.
 - 16.3.1. The municipal user shall provide the District documentation of such passed ordinances and/or resolutions.
- 16.4. Conservation education required – By March 1st after implementation of this Rule, the municipal user shall submit to the District a conservation information and education plan designed for its customers and begin implementation of the plan.
- 16.5. Population census used to determine total capita use – The most recent population census information available from the United States Bureau of Census will be used to determine total capita groundwater use.
 - 16.5.1. When a municipal user provides evidence that it delivers water to persons that have not been counted as part of the most recent census or to lands that had not previously been considered, the District shall make adjustments to the municipal user's allocation to compensate for these added water requirements.
- 16.6. Exempted groundwater uses – Ground water used for fire protection, water and sewage system maintenance, construction and repairs shall not be considered when calculating annual groundwater withdrawal.
 - 16.6.1. The municipal user shall provide documentation to estimating such uses.
 - 16.6.2. The District shall consider other exemptions on a case by case basis when requested.
- 16.7. A municipal user must report other users which are supplied groundwater – A municipal user shall report to the District any other user, as described in Ch 4.20, which is served by its water system.
 - 16.7.1. Groundwater delivered to the other user shall not be considered part of a municipal user's allocation.
- 16.8. Allocation adjustments – When a municipal user provides evidence that it has begun to serve additional people and/or land, the allocation for these people and/or land, during a groundwater use period shall be based on the actual remaining part of the groundwater use period in which groundwater withdrawal is expected to occur.
- 16.9. Carry over of unused portion of an allocation – When a municipal user does not withdraw all of its allocation of groundwater during a groundwater use period, the unused amount shall be added to his or her next groundwater use period allocation.

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- 16.9.1. The maximum accumulated carry over shall not exceed one-third ($\frac{1}{3}$) of the allocation amount for the current allocation period.
- 16.10. Ground water withdrawn in excess of municipal user's allocation Ground water withdrawn in excess of municipal user's allocation shall be deducted from its next groundwater use period allocation.

17. ALLOCATION TO ANY OTHER USERS

- 17.1. Next allocation to any other users set by the Board – The Board will set a new allocation for the next groundwater use period by December 1st prior to the end of each groundwater use period.
 - 17.1.1. The groundwater use period and new allocation will be set by amendments to these rules and regulations in accordance with the requirements of state law.
- 17.2. Allocation for other users – Any other user shall limit his or her groundwater withdrawal during the groundwater use period to one hundred (100) percent of his or her withdrawal for the three (3) year period prior to the first groundwater use period.
- 17.3. New or modified operations requiring additional groundwater – If, at any time, any other user desires to start a new operation or modify an existing operation that will require a new or additional allocation, he or she shall request such an allocation. The request shall include:
 - 17.3.1. The quantity of groundwater desired annually.
 - 17.3.2. The purpose for which the groundwater is to be used.
 - 17.3.3. An explanation of operation methods, including water conservation features, for that type of water use.
 - 17.3.4. An estimate of the water use per unit of production, if applicable.
 - 17.3.5. Other information requested by the District.
- 17.4. Carry over of unused portion of an allocation – When an other user does not withdraw all of his or her allocation of groundwater during a groundwater use period, the unused amount shall be added to his or her next groundwater use period allocation.
 - 17.4.1. The maximum accumulated carry over shall not exceed one-third ($\frac{1}{3}$) of the allocation amount for the current allocation period.
- 17.5. Groundwater withdrawn in excess of other user's allocation – Ground water withdrawn in excess of an other user's allocation shall be deducted from his or her next groundwater use period allocation.
 - 17.5.1. The total additional amount of groundwater withdrawn after the implementation of this Rule shall not exceed one-fifth ($\frac{1}{5}$) of the allocation for the current groundwater use period.

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- 17.6. Transfer of groundwater withdrawal to a different groundwater user – When the control of another user’s withdrawal is transferred to a different groundwater user during a groundwater use period, the remaining allocation balance for the groundwater use period shall also be transferred to the new groundwater user.

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APPENDIX A – Well Permit Ranking System Methodology

Goal: To continue to allow high capacity well development without creating impacts, conflicts or interference with neighboring water well users.

The following criteria will be used in the District’s Well Permitting Ranking System Methodology:

Main Criteria

1. Thickness of Primary Aquifer Formation
2. Calculated Transmissivity
3. Irrigation Well Density
4. Public Water Supply Well Density
5. Domestic, Livestock & “Other” Well Density
6. Irrigation Best Management Practices a. Irrigation Method

1. Thickness of Primary Aquifer Formation a. 1 point for each foot of primary aquifer thickness beginning with 0 points at 10 feet of thickness.

- Example – 18 feet of aquifer thickness equals 8 points (18ft – 10 ft).
- Maximum point value of 100.

2. Calculated Transmissivity

- The testhole log submitted will be reviewed and scored by comparing the testhole geologic entry to the estimated equivalent hydraulic conductivity table based upon work at the University of Nebraska Conservation and Survey by E.C. Reed and R. Piskin. (see Hydraulic Conductivity Table below).
- The hydraulic conductivity value for each geologic entry is then multiplied by the number of feet of thickness of the material as shown in the equation. i. $T = K * b$ (1)

where T = transmissivity, gpd/ft

K = hydraulic conductivity, ft/day

b = saturated thickness, ft

c. The corresponding “T” values for each layer of material are then added together and multiplied by 7.48 gal/ft³ to get Teff, the effective transmissivity.

d. 1 point is scored for each 1,000 gpd/ft of transmissivity rounded to the nearest integer.

e. Maximum point value of 100.

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Hydraulic Conductivity Table

Estimated Hydraulic Conductivity from Particle Size Descriptions						
Grain Size	Degree of Sorting			Silt Content		
	Poor	Moderate	High	Slight	Moderate	Very
Clay and silt:						
Clay	0.0			2		
Silt, slightly clayey	1.3			18		
Silt, moderately clayey	2.7			11		
Silt, very clayey				7		
Silt; loess; sandy silt				20		
Sand and gravel						
Very fine sand	13	20	27	23	19	13
Very fine to fine sand	27	27		24	20	13
Very fine to medium sand	36	41-47		32	27	21
Very fine to coarse sand	48			40	31	24
Very fine to very coarse sand	59			51	40	29
Very fine sand to fine gravel	76			67	52	38
Very fine sand to medium gravel	99			80	66	49
Very fine sand to coarse gravel	128			107	86	64
Fine sand	27	40	53	33	27	20
Fine to medium sand	53	67		48	39	30
Fine to coarse sand	58	67-72		53	43	32
Fine to very coarse sand	70			60	47	35
Fine sand to fine gravel	88			74	59	44
Fine sand to medium gravel	114			94	75	57
Fine sand to coarse gravel	145			107	87	72
Medium sand	67	80	94	64	51	40
Medium to coarse sand	74	94		72	57	42
Medium to very coarse sand	84	98-111		71	61	49
Medium sand to fine gravel	103			84	68	52
Medium sand to medium gravel	131			114	82	66
Medium sand to coarse gravel	164			134	108	82
Coarse sand	80	107	134	94	74	53
Coarse to very coarse sand	94	134		94	75	57
Coarse sand to fine gravel	116	136-156		107	88	68
Coarse sand to medium gravel	147			114	94	74
Coarse sand to coarse gravel	184			134	100	92
Very coarse sand	107	147	187	114	94	74
Very coarse sand to fine gravel	134	214		120	104	84
Very coarse sand to medium gravel	170	199-227		147	123	99
Very coarse sand to coarse gravel	207			160	132	104
Gravel						
Fine gravel	160	214	267	227	140	107
Fine to medium gravel	201	334		201	167	134
Fine to coarse gravel	245	289-334		234	189	144
Medium gravel:	241	321	401	241	201	160
Medium to coarse gravel	294	468		294	243	191
Coarse gravel	334	468	602	334	284	234

The table above shows the estimated hydraulic conductivities values from an unpublished and undated paper by E.C. Reed and R. Piskin as it was published in "Hydrogeology of Parts of the Twin Platte and Middle Republican Natural Resources Districts, Southwestern Nebraska" by J. W. Goeke, J. M. Peckenpaugh, R. E. Cady, and J. T. Dugan, Nebraska Water Survey Paper No. 70, April 1992, published through the Conservation and Survey Division, Institute of Agriculture and Natural Resources, University of Nebraska-Lincoln.

3. Irrigation Well Density

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- The irrigation well density is the distance away from the proposed irrigation well in relation to all other irrigation wells located within a 6,000 foot radius. The point value is calculated using the following equation: i. $Points = [[0.02 - [(n - 1) * (0.002)] * d] - (22 - (2 * n))] (2)$

where n = number of irrigation wells

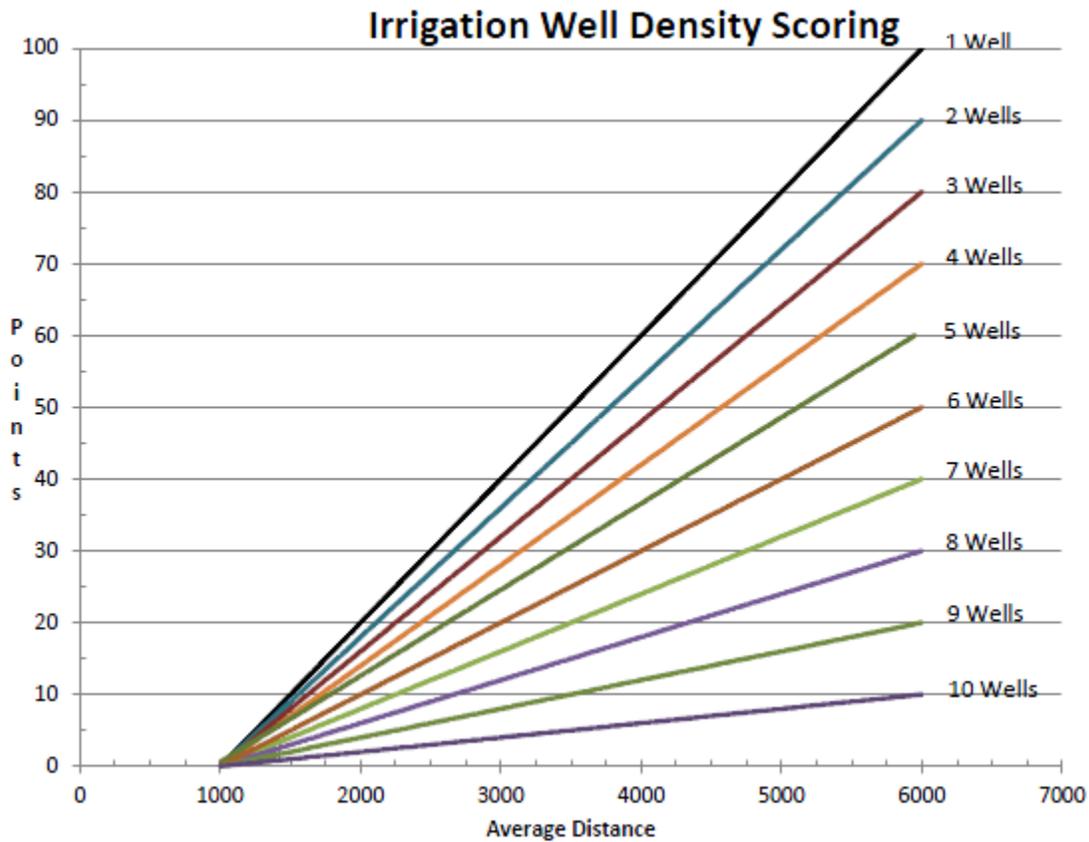
d = average distance of all irrigation wells within 6,000 feet

ii. As the number of wells increases the maximum total point value decreases by 10 points for each additional well within the 6,000 foot radius

iii. Maximum point value of 100 and a minimum value of 0

iv. A zero point score is automatically assigned for 11 or more neighboring irrigation wells within the 6,000 foot radius

v. Graphical representation of Equation (2)



4. Public Water Supply Well Density

- The public water supply well density is the distance away from the proposed irrigation well in relation to public supply wells located within a 6,000 foot radius. The point value for 1 to 5 public water supply wells located within a 6,000 foot radius is calculated using the following equation: i. $Points = [[0.01 - [(n - 1) * (0.002)] * d - (12 - (2 * n))]] (3)$

where n = number of public water supply wells

d = average distance of all public water supply wells within a 6,000 foot radius

ii. As the number of wells increases the maximum total point value decreases by 10 points for each additional well within the 6,000 foot radius

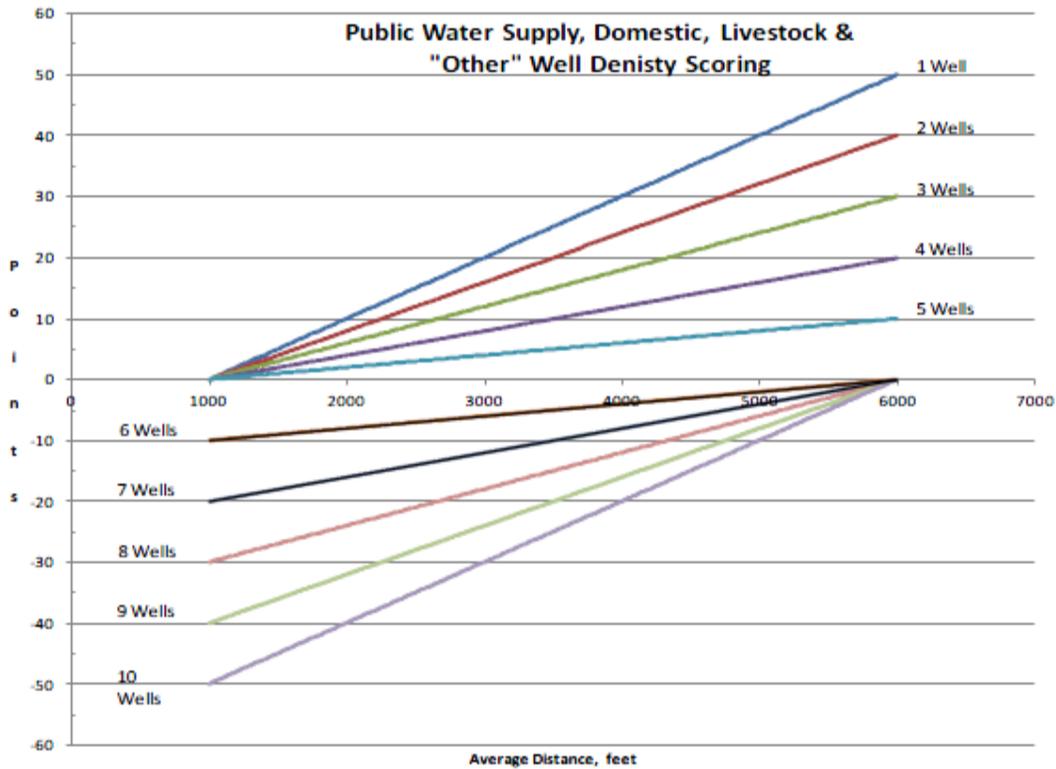
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iii. Maximum positive point value of 50

- b. The point value for 6 or more public water supply wells located within a 6,000 foot radius is calculated using the following equation: i. $Points = [[0.002 * (n - 5) * (d)] - (12 * (n - 5))]$ (4)

where n = number of public water supply wells
d = average distance of all public water supply wells within a 6,000 foot radius

- ii. Maximum negative point value of 50
- iii. Graphical representation of Equations (3) & (4)



5. Domestic, Livestock & “Other” Well Density a. The domestic, livestock & “other” well density is also calculated using equations (3) and (4) in the public water supply well density.

6. Irrigation Best Management Practices a. Additional ranking system points available based upon irrigation management practices:

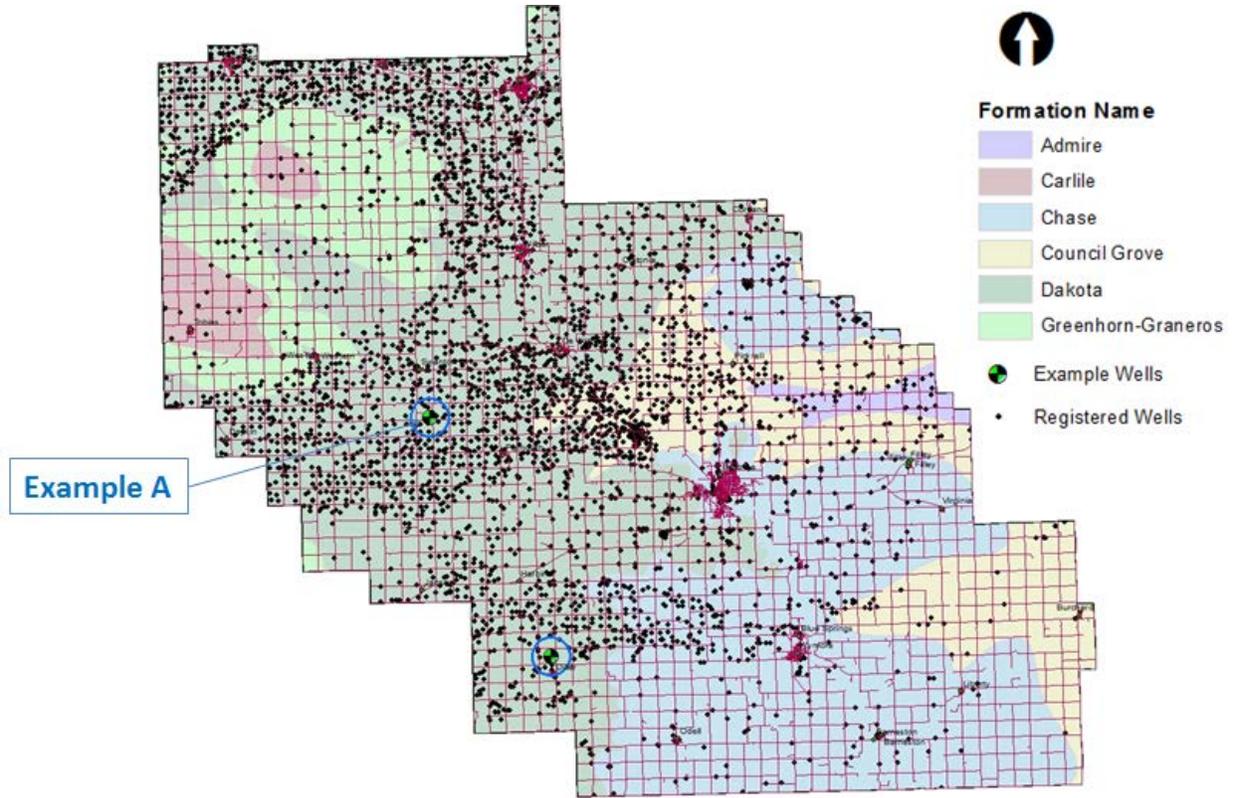
Irrigation Method

- Gravity 0
- Pivot/Sprinkler 25
- Subsurface Drip 50

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On the following page is an example worksheet on how a well permit application would be scored according to the above methodology.

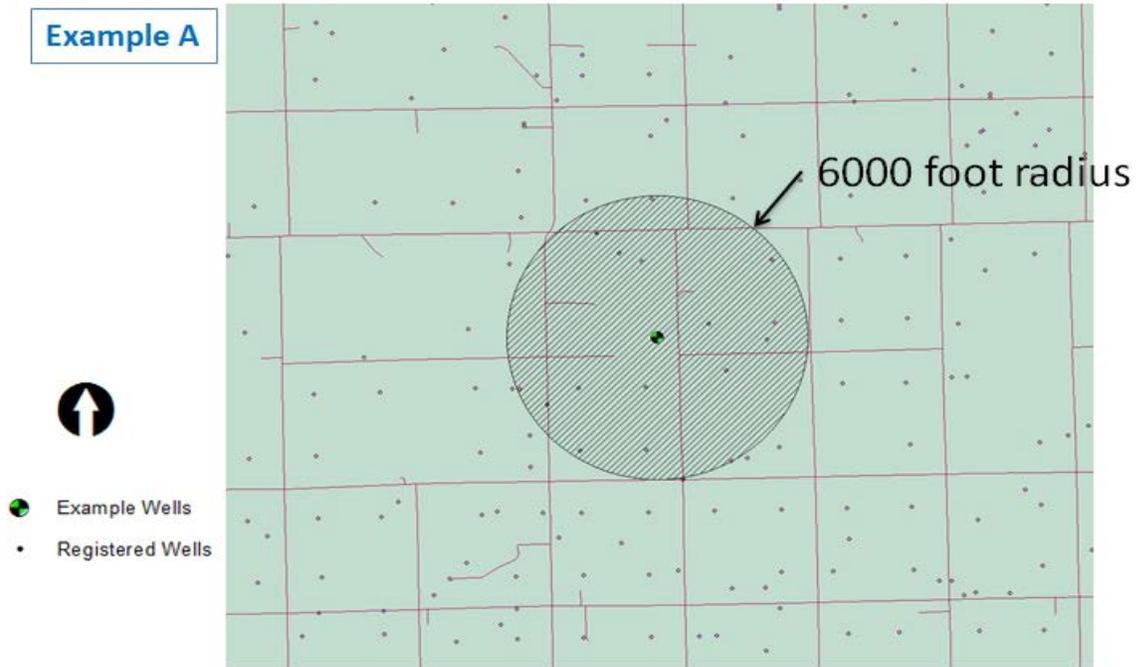
Step 1: Locate the well



Step 2: Draw a 6000 foot radius

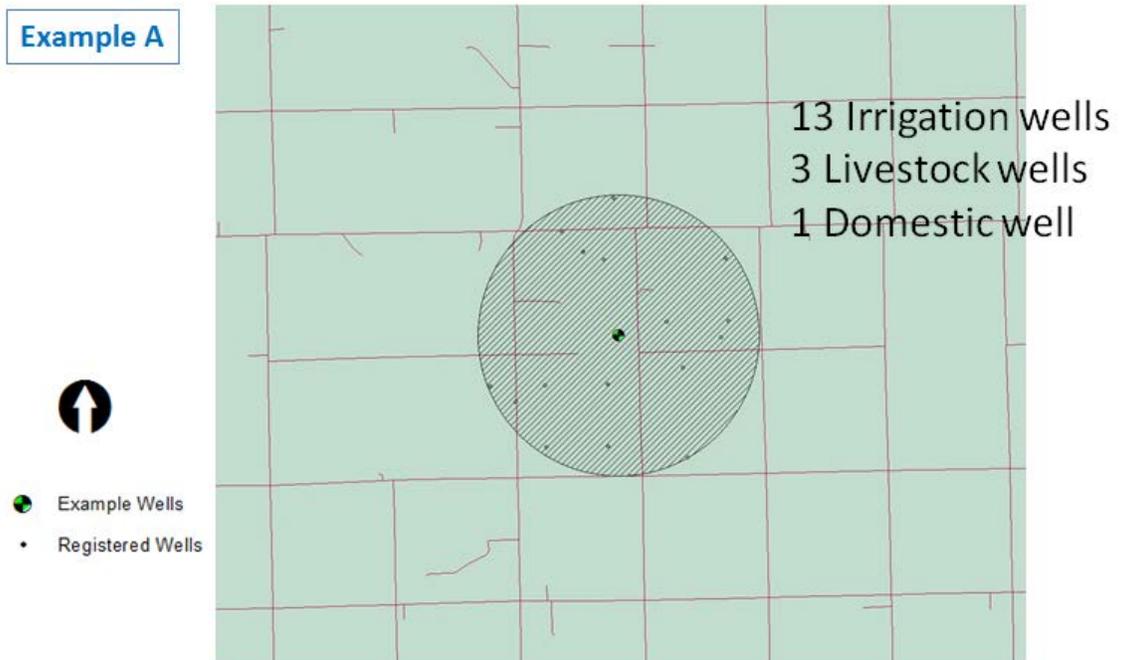
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Example A



Step 3: Catalog all registered wells within the 6000 foot radius and their distance from proposed well

Example A



Step 4: Enter Information into the Ranking System Calculator

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Example A

Well Permit Ranking System Calculator				
NAME				
LEGAL				
TESTHOLE ID				
Criteria	Maximum Points	Value	Units	Point Value
1. Thickness of Primary Aquifer Formation	100	120	feet	100
2. Transmissivity	100	60,000	gallons per day per foot	60
3. Irrigation Well Density	100	4412 13	average distance, feet # of wells	0
4. Public Water Supply Well Density	50	0 0	average distance, feet # of wells	50
5. Domestic & Livestock Well Density	50	4835 4	average distance, feet # of wells	15
6. Irrigation Method				25
Gravity = 0 points	Pivot = 25 points	Subsurface Drip = 50 points		
	450	Total Score		250