



**UPPER BIG BLUE NATURAL RESOURCES DISTRICT
RULES AND REGULATIONS**

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UPPER BIG BLUE NATURAL RESOURCES DISTRICT
LOWER PLATTE RIVER BASIN GROUND WATER MANAGEMENT
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CHAPTER 1 AUTHORITY FOR ISSUING THESE RULES AND REGULATIONS

- 01 Preliminary Determination That Lower Platte River Basin is Fully Appropriated -
On December 16, 2008, the State of Nebraska, Director of Natural Resources issued a notice of preliminary determination that the Lower Platte River Basin was fully appropriated. This determination placed a temporary stay on the issuance of well construction permits and the development of additional irrigated acres in the basin.
- 02 LB483, relating to the Nebraska Ground Water Management and Protection Act –
On April 6, 2009, the Governor signed LB483 into law requiring the District to adopt limitations for river basins in the District where a designation of “fully appropriated” has been changed to “not fully appropriated”.
- 03 Final Determination that Lower Platte River Basin is not Fully Appropriated -
On April 8, 2009, the State of Nebraska, Director of Natural Resources, issued a notice of Final Determination that the Lower Platte River Basin is not Fully Appropriated.
- 04 Date these rules and regulations were adopted -
The Upper Big Blue Natural Resources District, in accordance with the requirements of the Nebraska Ground Water Management and Protection Act, and after holding a public hearing on July 23, 2009, hereby adopts the following rules and regulations governing the development of irrigated acres in that part of the District described in Chapter 2 of these rules and regulations.



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CHAPTER 2 APPLICATION OF THESE RULES AND REGULATIONS

- 01 Land Where These Rules and Regulations Apply -
These rules and regulations (District Rule 10) apply to the development of irrigated acres in the following government survey sections within the District.

01.1. Legal Description of Applicable Government Survey Sections –

Section 6, Township 14 North, Range 2 West of the 6th PM, Polk County.
Section 12, Township 14 North, Range 3 West of the 6th PM, Polk County.
Section 14, Township 14 North, Range 3 West of the 6th PM, Polk County.
Section 15, Township 14 North, Range 3 West of the 6th PM, Polk County.
Section 29, Township 14 North, Range 3 West of the 6th PM, Polk County.
Section 30, Township 14 North, Range 3 West of the 6th PM, Polk County.
Section 25, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 26, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 27, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 34, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 35, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 36, Township 14 North, Range 4 West of the 6th PM, Polk County.
Section 31, Township 15 North, Range 2 West of the 6th PM, Polk County.
Section 32, Township 15 North, Range 2 West of the 6th PM, Polk County.
Section 33, Township 15 North, Range 2 West of the 6th PM, Polk County.

CHAPTER 3 APPLICATION OF THESE RULES AND REGULATIONS

- 01 Effective date -
These rules and regulations are effective commencing on September 1, 2009, and shall remain in full force and effect until revised, repealed, amended or superseded.
- 02 Sunset date –
District Rule 10 shall sunset on April 7, 2013.



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CHAPTER 4 DEFINITIONS THAT APPLY TO THESE RULES AND REGULATIONS

- 01 Board or Board of Directors -
Board or Board of Directors means the Board of Directors of the Upper Big Blue Natural Resources District acting in its official capacity.
- 02 Certified ground water use acre -
Certified ground water use acre means a ground water use acre certified by the Board for the application of ground water pursuant to District Rule 5.
- 03 District-
District means the Upper Big Blue Natural Resources District or other administrative agency or organization designated by the Board of Directors to carry out these rules and regulations.
- 04 Government survey section -
Government survey section means a section of land approximately one (1) square mile in size as defined by the United States Government Survey System of towns, ranges, sections, quarter sections, etc.
- 05 Ground water -
Ground water means water that occurs, moves, seeps, filters or percolates through the ground under the surface of the land.
- 06 Ground Water Management Area Rules and Regulations or District Rule 5 -
Ground Water Management Area Rules and Regulations or District Rule 5 means Regulations adopted for the Management of Ground Water in the Upper Big Blue Natural Resources District's Ground Water Management Areas # 1 and # 2.



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**CHAPTER 4 [Continued]
DEFINITIONS THAT APPLY TO THESE RULES AND REGULATIONS**

- 07 Irrigated acre -
Irrigated acre means an acre of land that a ground water user wants to apply ground water to for the purpose of irrigating crop, pursuant to these rules and regulations.
- 08 Parcel of land -
Parcel of land or parcel means a description of property formally set forth in a conveyance, together with the boundaries thereof, so that it may be easily identified.
- 09 Permit -
Permit means a document obtained, in accordance with the Nebraska Ground Water Management and Protection Act and these rules and regulations, authorizing the construction or modification of a water well or its use.
- 10 Person -
Person means a natural person, personal representative, trustee, guardian, conservator, partnership, association, corporation, municipality, irrigation district, agency or political subdivision of the State of Nebraska.
- 11 Surface irrigation –
Surface irrigation means the application of ground water applied and distributed over the soil surface by gravity. It may also be referred to as flood, furrow or gravity irrigation.
- 12 Tract of land -
Tract of land or tract means the legally deeded property of a person that is contiguous and lies within one government survey section.



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**CHAPTER 4 [Continued]
DEFINITIONS THAT APPLY TO THESE RULES AND REGULATIONS**

- 13 Water well -
Water well means an artificial opening or excavation in the ground from which ground water flows under natural pressure or is artificially withdrawn.
 - 13.1 Water wells that are commingled, combined, clustered, or joined shall be considered one (1) water well.
 - 13.1.1 Water wells with a capacity of less than fifty (50) gallons per minute are considered to be commingled, combined, clustered, or joined with any other water well when the wells are to use a common pipeline or water storage facility or, are located on the same tract and are to be used for a similar or related purpose, and are within one thousand (1000) feet of the other water well.
 - 13.2 A water well with a capacity of fifty (50) gallons per minute or less is not subject to these rules and regulations unless otherwise indicated.
 - 13.2.1 A water well, that withdraws ground water that is returned to the aquifer of origin by injection into an injection well is exempt if the following provisions are met.
 - 13.2.1.1 The injection well must be no more than one thousand (1,000) feet from the water well.
 - 13.2.1.2 The maximum water loss from withdrawal to injection must be fifty (50) gallons per minute or less.



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**CHAPTER 5
IRRIGATED ACRES LIMITATIONS**

- 01 Irrigated Acres Limitations -
The net certified acres in the area describe in Chapter 2 of these rules and regulations shall not increase by more than twenty percent (20%) per year for each of the four (4) one (1) year periods as follows:
 - 01.1 April 8, 2009 and ending April 7, 2010.
 - 01.2 April 8, 2010 and ending April 7, 2011.
 - 01.3 April 8, 2011 and ending April 7, 2012.
 - 01.4 April 8, 2012 and ending April 7, 2013.

- 02 Certification of Irrigated Acres
 - 02.1 Irrigated acres shall be based on the certified ground water use acres as provided in the District's Ground Water Management Area Rules and Regulation (District Rule 5, Chapter 12.)

- 03 Irrigated Acres Development Restrictions -
A new or existing well shall not be used to develop new irrigated acres unless such use has been approved by the District.

- 04 Water Well Construction Permits -
Any person who intends to construct a well shall, prior to construction, obtain a permit in accordance with the District's Ground Water Management Area Rules and Regulation (District Rule 5, Chapter 5).

- 05 Surface Irrigation Prohibited –
The use of surface irrigation methods on new irrigated acres is prohibited
 - 05.1 Exceptions to ¶ 05
 - 05.1.1 New irrigated acres that are an extension of an existing surface irrigated field and is not more than five (5) acres.

- 06 If at any time during a year, as described in ¶ 01 of this chapter, the total irrigated acres are increased by twenty percent (20%), the issuance of permits will be suspended.



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**CHAPTER 6
MISCELLANEOUS PROVISIONS AND REQUIREMENTS**

- 01 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 District Rules 3 and 4, and by bringing an appropriate action in the district court in the county where the violation occurs.
- 02 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 in accordance with District Rule 3.
- 03 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.
- 04 Necessary forms provided by the District -
The District will provide the ground water user with the forms necessary to report information required by these rules and regulations.
- 06 Severability -
If a rule or part of a rule herein is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration will not affect the validity or constitutionality of the remaining rules or portions thereof.
- 07 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.



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First Adopted: [July 23, 2009](#)
Effective Date: **September 1, 2009**

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**END
of
RULES
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