



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

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## UPPER BIG BLUE NATURAL RESOURCES DISTRICT RULES AND REGULATIONS

### RULE 10: LOWER PLATTE RIVER BASIN GROUND WATER MANAGEMENT

## RULE 10 UPPER BIG BLUE NATURAL RESOURCES DISTRICT LOWER PLATTE RIVER BASIN GROUND WATER MANAGEMENT RULES AND REGULATIONS

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

**RULE 10: LOWER PLATTE RIVER BASIN GROUND WATER MANAGEMENT**



**END  
of  
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