

**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
MANAGEMENT RULES AND REGULATIONS**

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CHAPTER 1- AUTHORITY FOR ISSUING THESE RULES AND REGULATIONS

- 01 Control Area was declared -
On December 9, 1977, the State of Nebraska, Director of Water Resources issued an order, in accordance with the Nebraska Ground Water Management and Protection Act, declaring a certain geographic area within the boundaries of the Upper Big Blue Natural Resources District a "Control Area".
- 02 Special Protection Area was declared -
On September 23, 1993, the State of Nebraska, Director of Environmental Quality, issued an order declaring the Upper Big Blue Natural Resources District a "Special Ground Water Quality Protection Area".
- 03 Action Plan first adopted -
On May 19, 1994, after holding a public hearing on April 18, 1994, the District adopted the Special Protection Area Action Plan.
- 04 Action Plan Approved by Director of Environmental Quality -
On September 14, 1994, the Director of Environmental Quality issued an order approving the Special Protection Area Action Plan.
- 05 Legislative Name Change to Ground Water Management Areas -
On July 19, 1996, LB 108 became effective. This legislation designated all existing control areas and special protection areas as "management areas."
- 06 On December 30, 2005, the Department notified the District of the Department's preliminary determination that portions of the Upper Platte River Basin, part of which lies within the District, are fully appropriated and the geographic area in which the surface water and ground water are hydrologically connected. Pursuant to Department rule, 457 NAC 24001.02, the hydrologically connected area is the area within which pumping of a water well for fifty (50) years will deplete the river or a baseflow tributary thereof by at least ten percent (10%) of the amount pumped in that time (the "10/50 Area").
- On April 21, 2006, the Department issued the "Order of Final Determination of River Basins, Subbasins, or Reaches as fully Appropriated, and Describing Hydrologically Connected Geographic Areas", confirming the preliminary determination of December 30, 2005.
- 07 Date these rules and regulations were adopted -
The Upper Big Blue Natural Resources District, in accordance with the

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CHAPTER 1- AUTHORITY FOR ISSUING THESE RULES AND REGULATIONS

requirements of the Nebraska Ground Water Management and Protection Act, and after holding a public hearing on December 16, 2010, hereby adopts the following revised rules and regulations governing the use of ground water in Ground Water Management Area #1, activities related to the management of nonpoint source ground water contamination in Ground Water Management Area #2 and the Upper Platte River Basin Integrated Management Area.

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CHAPTER 2 – APPLICATION OF THESE RULES AND REGULATIONS

- 01 Rules and Regulations for GWMA#1 and GWMA#2 -
Chapters 1 through 7 of these rules and regulations shall apply to Ground Water Management Area #1 (Quantity), Ground Water Management Area #2 (Quality) and the Upper Platte River Basin Integrated Management Area.
- 02 Rules and Regulations for GWMA#1 -
Chapters 8 through 17 shall apply to Ground Water Management Area #1 only,
02.01 Chapter 11 shall also apply to the Upper Platte River Basin Integrated Management Area.
- 03 Rules and Regulations for GWMA#2 -
Chapters 18 through 22 shall apply to Ground Water Management Area #2 only.
- 04 Rules and Regulations for Upper Platte River Basin Integrated Management Area –
Chapter 23 shall apply to the Upper Platte River Basin Integrated Management Area only.

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CHAPTER 3- EFFECTIVE DATE OF THESE RULES AND REGULATIONS

01 Effective date -

These rules and regulations are effective commencing on, February 1, 2011 and shall remain in full force and effect until revised, repealed, amended or superseded.

02 Previous rules and regulations superseded -

All previous Ground Water Management Area Rules and Regulations are hereby superseded.

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CHAPTER 4 - DEFINITIONS THAT APPLY TO THESE RULES AND REGULATIONS

- 01 Abandoned water well -
Abandoned water well means any water well, the use of which has been accomplished or permanently discontinued, which has been decommissioned as described in the rules and regulations of the Nebraska Department of Health and Human Services Regulation and Licensure, and the owner of which has filed a notice of abandonment with the Nebraska Department of Natural Resources.
- 02 Acre inch -
Acre inch means the amount of water that will cover one (1) surface acre to the depth of one (1) inch.
02.01 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.
- 03 Allocation -
Allocation means the apportioning of ground water.
- 04 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.
- 05 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 these rules and regulations.
- 06 Decommission -
Decommission means the complete filling and sealing of a water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act.
- 07 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.
- 08 District ground water level -
District ground water level means the average level of the surface of the ground water table in GWMA#1 as determined in accordance with Chapter 9 of these rules and regulations.

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09 Flow meter -

Flow meter or meter means a device of a type and design approved by the District and installed in connection with the use of a water well that, when properly installed, measures the quantity and rate of ground water withdrawn.

10 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.

11 Ground water -

Ground water means water that occurs, moves, seeps, filters or percolates through the ground under the surface of the land.

12 Ground Water Management Area #1-

Ground Water Management Area #1 or GWMA #1 means the area designated for the management of ground water quantity.

12.01 A map showing the geographic area and the legal description of GWMA #1 are attached hereto as Appendix A and B respectively and incorporated herein by reference.

13 Ground Water Management Area #2 -

Ground Water Management Area #2 or GWMA #2 means the area designated for the management of ground water quality.

13.01 GWMA #2 includes the entire Upper Big Blue Natural Resources District.

14 Ground water use acre -

Ground water use acre means an acre of land that a ground water user wants to apply ground water to, pursuant to these rules and regulations.

15 Ground water use period -

Ground water use period means a period of years designated by the Board for which an allocation is set.

15.01 The first ground water use period shall begin on the effective date of Chapters 15 through 17 of these rules and regulations.

16 Ground water user -

Ground water user means a person that withdraws ground water.

16.01 Agricultural user means a ground water user that uses ground water for

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- irrigation, recreation, wildlife or other uses that require the application of ground water to the surface of the land.
- 16.02 Municipal user means a ground water user that is an incorporated city or village, rural water district or sanitary improvement district that withdraws ground water from a water well to serve its customers.
- 16.03 Other user means a ground water user that uses ground water for purposes other than those described in the definitions of agricultural and municipal users.
- 16.03a Other user shall include a customer of a municipal user that uses ground water for manufacturing at a maximum rate greater than 50 gallons per minute.
- 17 Illegal water well –
Illegal water well means:
- 17.01 A water well operated or constructed without, or in violation of, a permit or
- 17.02 A water well that is not properly registered in accordance with the provisions of Neb. Rev. Stat. ¶ 46-602, or
- 17.03 A water well constructed or operated in violation of the Water Well Standards and Contractor’s Licensing Act or
- 17.04 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
- 17.05 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.
- 18 Integrated management area –
Integrated management area means that portion of the District designated by the Department of Natural Resources as hydrologically connected to the fully appropriated Upper Platte River Basin.
- 18.01 A map showing the Integrated Management Area is attached hereto as Appendix C.
- 19 Management zone -
Management zone means a geographic area designated by the Board of Directors.
- 20 Monitoring well -
Monitoring well means a water well from which the District or other public agency collects ground water samples.

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21 Nitrogen fertilizer -

Nitrogen fertilizer means 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.

22 Nonpoint source -

Nonpoint source means any source of pollution resulting from the dissolution and disbursement of widespread, relatively uniform contaminants of a nonspecific origin.

23 Observation well -

Observation well means a water well measured by the District or other public agency to determine changes in the ground water level.

24 Operator -

Operator means 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 aquiculture.

25 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.

26 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.

26.01 An Initial Permit may be issued for construction of a new water well, or modification of an existing water well for which a permit was not previously issued.

26.02 A Supplemental Permit may be issued for modification of, or increased ground water withdrawal from, an existing water well.

26.03 A Late Permit may be issued when a water well was illegally constructed or modified without first receiving an Initial or Supplemental Permit.

27 Permit holder -

Permit holder means a person that has been issued a permit in accordance with Chapter 5 of these rules and regulations.

28 Person -

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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.

29 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.

29.01 Destination tract means a tract of land that ground water use is being transferred to.

29.02 Source tract means a tract of land that ground water use is being transferred from.

30 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.

30.01 Water wells that are commingled, combined, clustered, or joined shall be considered one (1) water well.

30.01a 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 (1,000) feet of the other water well.

30.02 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.

30.02a A water well, that withdraws ground water that is returned to the aquifer of origin by injection into an injection well is exempt as provided in ¶ 29.02 if the following provisions are met.

30.02a1 The injection well must be no more than one thousand (1,000) feet from the water well.

30.02a2 The maximum water loss from withdrawal to injection must be fifty (50) gallons per minute or less.

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CHAPTER 5 – WATER WELLS

- 01 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's Licensing Act and the regulations adopted pursuant thereto.
- 01.01 Any person that owns or controls land upon which an abandoned water well is located shall notify the District within sixty (60) days after decommissioning has been completed.
- 02 Information required on a permit application -
In addition to the requirements of Neb. Rev. Stat. ¶ 46-735, each application for an Initial, Supplemental or Late Permit shall include all additional information deemed necessary by the District to determine compliance with these rules and regulations.
- 03 When a permit is required -
Any person that undertakes any of the following activities shall, before commencing such activity, apply for and receive an Initial or Supplemental Permit from the District:
- 03.01 Construction of a water well designed and constructed to pump more than fifty (50) gallons per minute.
- 03.02 Construction of a water well designed to pump fifty (50) gallons per minute or less, if such water well is to be commingled, combined, clustered, or joined with any other water well or wells in a manner that will cause the total capacity of said water wells to be more than fifty(50) gallons per minute.
- 03.02a Water wells used solely to water range livestock are exempt from ¶ 03.02.
- 03.03 Modification of a water well for which a permit was not required, into one for which a permit would be required.
- 03.04 Use of a water well to transfer ground water as provided in Chapter 11.
- 03.05 Construction of a water well or wells on a parcel or parcels of land for the purpose of ground water withdrawal in the amount of five hundred (500) acre feet or more each year.
- 03.06 Increasing the ground water withdrawal from an existing water well or wells on a parcel or parcels of land to five hundred (500) acre feet or more each year, or in the case of an existing water well or wells on a parcel or parcels of land that currently withdraw five hundred (500) or more acre feet each year, increasing ground water withdrawal by an additional two hundred and fifty (250) acre feet or more each year.

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CHAPTER 5 – WATER WELLS

- 04 For the purposes of ¶ 03 all sources of ground water withdrawal wherever located, which are combined or proposed to be combined for the intended use must be included, without regard to ownership or control of the water wells to be used.
- 05 Hydrologic evaluation required -
When the withdrawal of ground water by any person requires an Initial or Supplemental Permit from the District under Ch. 5, ¶ 03.05 or ¶ 03.06, such person shall, in addition to the information required on the application, provide the District with a hydrologic evaluation, conducted at permittee's expense, showing the impact, if any, of the intended withdrawal on current ground water users and a minimum twenty (20) year impact on the ground water table for potential future uses.
- 05.01 In addition to the required non refundable permit fee, the applicant shall reimburse the District for its actual costs expended for peer review and assessment of the hydrologic evaluation subsequent to the first review. A five-thousand (5,000) dollar deposit shall be paid to the District prior to the second review. Any additional costs shall be paid prior to issuing a permit. The applicant will be reimbursed any unused portion of the deposit.
- 06 Consideration of Permits -
All applications for a permit will be reviewed by the District. The District will either approve, approve with conditions, deny, or request additional information before action on the application based on the following:
- 06.01 The use of accepted methods in conducting the hydrologic evaluation.
- 06.02 Satisfactory compliance with District rules and regulations.
- 06.03 The goals and objectives of these rules and regulations (Rule 5 Chapter 8).
- 06.04 Preference of use as follows: 1) domestic, 2) agriculture and 3) manufacturing and industry in accordance with Neb. Rev. Stat. ¶ 46-613.
- 06.05 Reasonable probability of adversely impacting other ground water or surface water users.
- 06.06 Any adverse impacts on the State's ability to comply with an interstate compact or decree or to fulfill the provisions of any other formal state contract or agreement.
- 06.07 Protection of the public's interest and welfare.
- 07 Ground water withdrawal shall mean -
For the purposes of this chapter, ground water withdrawal shall mean the total ground water pumped, less any water returned to the aquifer through an injection well within one thousand (1,000) feet of the source.
- 07.01 Operations that return water to the aquifer must comply with federal, state

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and local rules and regulations governing such activities.

- 08 Waivers of liability considered -
Waivers of liability obtained from potentially impacted ground water users will be considered by the District when determining whether to grant or deny a permit.
- 09 Flow meter required -
All water wells must be equipped with a flow meter prior to ground water withdrawal if any of the following conditions are met:
09.01 Allocation per Chapters 15, 16 and 17 becomes effective.
09.02 A permit is issued for construction or modification of a water well.
- 10 Exempt water wells -
No permit shall be required for test holes or dewatering wells with an intended use of ninety (90) days or less, or for a single water well designed and constructed to pump fifty (50) gallons per minute or less.
- 11 Permit no exemption from liability -
The issuance of a permit by the District, as provided for in this Chapter, should not be construed by the applicant to exempt him or her from any liability which may result from the withdrawal of ground water.

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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.
- 05 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.
- 06 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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CHAPTER 7 - REQUEST FOR VARIANCE

01 Information required -

A request for a variance shall include the following:

01.01 A citation of the provisions of Rule 5 for which the variance is requested.

01.02 A map or sketch showing the location of lands and/or water wells that would be affected by the variance.

01.02a If the request for a variance is for well spacing, the sketch must include measured distances from the proposed water well to any affected water wells.

01.03 An explanation as to why the variance is needed including:

01.03a How the person making applications for the variance would be affected if the variance is not granted, and

01.03b Alternatives considered, including why each alternative was rejected in lieu of a variance.

01.04 The name and address of all landowners adjacent to the location of the requested variance.

01.05 A written waiver of objections signed by adjacent landowner(s) or water well owner(s) that would be directly affected by the granting of a variance.

01.06 Any other information the person making the request shall deem relevant.

01.07 Any other information deemed necessary by the District.

01.08 A \$100 non refundable application fee payable to the Upper Big Blue Natural Resources District.

02 Applicant shall appear before the Water and Regulations Committee -

The person applying for a variance shall appear before the District's Water and Regulations Committee to present the reasons for the variance.

03 Requests considered on case by case basis -

Requests for variances shall be considered by the Board on a case by case basis.

04 Grantee must agree to conditions for granting a variance -

If a variance is granted, the grantee shall sign an affidavit agreeing to all terms and conditions of the variance.

04.01 The affidavit will be recorded with the Register of Deeds by the District.

04.02 The recorded affidavit will be attached to all properties affected by the variance.

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CHAPTER 8 GOALS AND OBJECTIVES OF THESE REGULATIONS

- 01 The objective of promulgating these rules and regulations -
The objective of promulgating these rules and regulations is to encourage, promote and regulate the efficient management and conservation of ground water and maintain an adequate ground water supply for the foreseeable future.
- 02 Long term goal of the District -
The long term goal of the District is to hold the District ground water level above the 1978 District ground water level through various programs sponsored by the District and through the requirements of Chapters 1 through 11 of these rules and regulations.
- 03 Water withdrawal reporting trigger -
When the District ground water level, as defined in Chapter 9, falls below a level that is three (3) feet above the 1978 District ground water level, Chapters 12, 13 and 14 of these rules and regulations shall be implemented.
03.01 Implementation of Chapters 12, 13 and 14 will continue until it is discontinued by the Board through amendments to Rule 5 in accordance with the requirements of state law.
- 04 Ground water allocation trigger -
When the District ground water level falls below the 1978 District ground water level, Chapters 15, 16 and 17 of these rules and regulations will be implemented and shall become effective on January 1 of the following year.
- 05 The Board will set the duration of the ground water use period and allocation amount by September 1 prior to the start of the initial and each subsequent ground water use period.
05.01 The ground water use period and allocation will be set by amendments to Rule 5 in accordance with the requirements of state law.
- 06 Discontinuance of allocation -
If, at the end of a ground water use period, the District ground water level has risen to a level that is more than three (3) feet above the 1978 District ground water level, implementation of Chapters 15, 16 and 17 will be suspended.

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CHAPTER 9 – DETERMINATION OF DISTRICT GROUND WATER LEVELS

- 01 How average annual ground water level change is determined -
The average annual ground water level change is determined annually by comparing the spring ground water level measurements taken from observation wells to measurements taken in the spring of the following year.
- 02 How District ground water level is determined -
The average annual ground water level change is added to the average ground water level changes of previous years to determine the District ground water level.
- 02.01 The spring 1962 ground water level measurements are the base from which the District calculated the first District ground water level. The base is assumed to be zero (0).
- 02.02 The District ground water level for each year is referred to as the ground water level for the year preceding the year in which the spring ground water level measurements are taken. For example, the 1978 District ground water level is the District ground water level as it was determined from the ground water level measurements taken in the spring of 1979.
- 02.02a The 1978 District ground water level was determined to be 6.33 feet below the base level.
- 03 Determination of area represented by each observation well -
The area represented by each observation well is determined by its location in relationship to other observation wells using the Thiessen weighting method.
- 04 Observation wells measured determined by the District -
Observation wells used in the calculation of the District ground water level are determined by the District.
- 04.01 The District will attempt to use measurements from the same observation wells each year however, an observation well may be decommissioned and it may become necessary to find another water well in the area that is available for measurement.

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CHAPTER 10 – WATER WELL SPACING

01 Well spacing required -

A water well constructed after the effective date of these regulations, must be located at least one thousand (1,000) feet from any other water well under different ownership.

02 Replacement well spacing, special conditions -

When a water well located less than one thousand (1,000) feet from a water well under different ownership is replaced, the replacement water well may be constructed no more than fifty (50) feet closer to the water well under different ownership.

03 Illegal water wells not protected -

Illegal water wells are not protected by the provisions of this chapter.

03.01 The failure of a person to update water well ownership and irrigated acres records shall not jeopardize his or her well spacing protection provided under this chapter unless the District determines that said person has knowingly attempted to deceive the District or has failed to act in good faith in matters pertaining to these rules and regulations.

04 Spacing for commingled water wells -

When water wells are commingled, combined, clustered, or joined and have a combined total capacity of more than fifty (50) gallons per minute, each water well shall comply with all provisions of this chapter.

05 Water well spacing exemption -

A water well with a pumping capacity of less than 100 gallons per minute, constructed between March 1, 1979 and February 29, 2004 is not subject to the well spacing provisions of this chapter.

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GROUND WATER MANAGEMENT AREA #1
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CHAPTER 11 – GROUND WATER TRANSFERS

- 01 A person who intends to transfer ground from an overlying tract or tracts of land, shall apply for a transfer authorization on forms provided by the District.
- 01.01 A non-refundable application fee of fifty (50) dollars payable to the District shall accompany all requests for a ground water transfer to cover costs associated with its review.
- 02 Transfers for Agricultural users-
- 02.01 An agricultural user, as defined in Chapter 4 ¶16.01, shall only be allowed to initiate a new ground water transfer to a destination tract that is directly adjacent or diagonal to the source tract.
- 02.02 The ground water use acres in the destination tract is limited to an amount less than or equal to the total number of acres in the source tract.
- 02.03 The maximum transfer to a destination tract shall not exceed one-hundred and sixty (160) acres.
- 03 Transfers for uses for municipal and other users -
- 03.01 A municipal user or other user, as defined in Chapter 4 ¶16.02 and ¶16.03, shall only be allowed to initiate new ground water transfers to a government survey section that is directly adjacent or diagonal to the source tract.
- 03.02 Transfers proposing to withdraw more than two-hundred and fifty (250) acre feet annually shall conduct a hydrologic evaluation as provided in Ch. 5, ¶05.
- 04 Report of Title Required -
- 04.01 A report of title must accompany the application if the proposed transfer involves ground water use in the integrated management area.
- 04.02 The report of title must be issued by an attorney or a registered abstractor, on a form prescribed by the District.
- 04.03 The report must include the following:
- 04.03a the owner and legal description of the land from which the certified ground water uses or certified irrigated acres are to be transferred, and
- 04.03b the existence of all liens, evidenced by the filing of a mortgage, trust deed, or other equivalent consensual security interest, against the land from which the certified water uses or certified irrigated acres are to be transferred and the name and address of each such lien holder, if any.
- 04.03c If the report of title reflects the existence of any lien evidenced by the filing of a mortgage, trust deed, or other equivalent consensual security interest, written consent to such transfer shall be obtained from each such lien holder.

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CHAPTER 11 – GROUND WATER TRANSFERS

- 04.04 The district may assess a fee against the person seeking such transfer to recoup its costs in reviewing the report of title.
- 05 In determining whether to grant a permit under this section, the board of directors for the District shall consider the following -
- 05.01 Whether the proposed use is a beneficial use of ground water;
 - 05.02 The availability to the applicant of alternative sources of surface water or ground water for the proposed withdrawal, transport, and use;
 - 05.03 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;
 - 5.04 Any negative effect of the proposed withdrawal, transport, and use on surface water supplies needed to meet present or reasonable future demands for water within the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;
 - 05.05 Any adverse environmental effect of the proposed withdrawal, transport, and use of the ground water;
 - 05.06 The cumulative effects of the proposed withdrawal, transport, and use relative to the matters listed in subdivisions 04.03 through 04.05 of this section when considered in conjunction with all other withdrawals, transports, and uses subject to this section;
 - 05.07 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 sections 46-713 to 46-719; and
 - 05.08 Any other factors consistent with the purposes of these rules and regulations which the board of directors deems relevant to protect the interests of the state and its citizens.
- 06 Issuance of a permit shall be conditioned on the applicant's compliance with the rules and regulations of the natural resources district from which the water is to be withdrawn and, if the location where the water is to be used to produce the intended benefits is in a different natural resources district, with the rules and regulations of that natural resources district. The board of directors may include such reasonable conditions on the proposed withdrawal, transport, and use as it deems necessary to carry out the purposes of this section.

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CHAPTER 11 – GROUND WATER TRANSFERS

- 07 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.
- 08 New transfers of ground water from within the District where a groundwater allocation has been established, is prohibited.
- 09 Nothing in this chapter shall exempt a person from the provisions of applicable state laws regarding ground water transfers.
- 10 Transfers exempt from this chapter -
The following types of transfers are exempt from this chapter:
- 10.01 Ground water transfers authorized by the Municipal Rural Domestic Ground Water Transfers Permit Act.
 - 10.02 Transfers of ground water that were started prior to August 1, 2007.
 - 10.03 The physical transfer of ground water within the same government survey section.
 - 10.04 Ground water transfers within the corporate limits of a municipality.

**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
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**REGULATIONS FOR
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**CHAPTER 12 – CERTIFICATION OF GROUND WATER USE ACRES AND WATER
WELLS**

- 01 Public warning of ground water declines -
The District shall issue a public notice warning ground water users that ground water use restrictions will be implemented if the District ground water level falls below the 1978 District ground water level.
- 02 Agricultural users must report -
By March 1 after the issuance of the public notice described in ¶ 01 of this chapter, an agricultural user must report the following:
02.01 The number and location of ground water use acres.
02.02 The water wells under his or her control.
02.03 A copy of the most recent property tax statement, or other documentation from the county assessor showing irrigated acres, must be attached.
02.03a For tax exempt ground water use acres, the ground water user shall provide available documentation as deemed necessary by the District.
02.04 Any other information deemed necessary by the District.
- 03 Board will certify ground water use acres -
The Board will certify the number of ground water use acres for each agricultural user based on the county assessor's records.
03.01 The Board will certify tax exempt ground water use acres based on available information.
03.02 The Board will consider new requests for certification of ground water use acres monthly.
03.03 The Board may consider adjustment to certified ground water use acres based on evidence presented by the ground water user.
- 04 Pooling of certified ground water use acres -
The certified ground water 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 one (1) unit for the purposes of allocation under the following conditions:
04.01 The owner of the land shall be considered the agricultural user in control of ground water withdrawal unless his or her land is included in a pooling agreement.
04.02 Pooling agreements will be permitted between agricultural users and units of ground water use acres under the following conditions:
04.02a Ground water use acres in the same farming operation or served by the same water well may be pooled.04.02b One agricultural user shall be designated by the agreement to be responsible for all

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- reporting of ground water withdrawal and acres to the District.
- 04.02c A new pooling agreement, or amendments to an existing pooling agreement, must be submitted to the District by March 1.
- 04.02c1 All parties must sign the agreement or provide appropriate power of attorney.
- 04.02d Certified ground water use acres which have exhausted their allocation shall not be added to a pooling agreement.
- 05 Municipal users must report -
By March 1, after the issuance of the public notice described in ¶ 01 of this chapter, a municipal user must report the following information to the District:
- 05.01 The water wells operated by the municipal user.
- 05.02 The total acreage within the municipal jurisdictional limits.
- 05.03 The irrigated agricultural acreage within the municipal jurisdictional limits.
- 05.04 The dryland agricultural acreage within the municipal jurisdictional limits.
- 05.05 Any acreage outside the municipal jurisdictional limits served by the municipal water supply system.
- 05.06 The municipality's population according to the most recent federal census.
- 05.07 The number of people served by the municipal water supply system.
- 05.08 Any other information deemed necessary by the District.
- 06 Other ground water users must report -
By March 1 after the issuance of the public notice described in ¶ 01 of this chapter, the other ground water user must report the following information to the District:
- 06.01 The water wells under the user's control.
- 06.02 The purpose of the ground water withdrawal.
- 06.03 Historic annual ground water withdrawal, if known.
- 07 Ground water user must report changes in information -
A ground water user must report any changes or additions to the information required in this chapter within sixty (60) days.
- 08 Penalty for failure to report -
The failure to report any information required by this chapter may result in the issuance of a cease and desist order denying the withdrawal of ground water.

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**REGULATIONS FOR
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CHAPTER 13 – ANNUAL GROUND WATER USE REPORTS

- 01 Agricultural user ground water withdrawal report required -
By December 31 of each year, an agricultural user shall report the ground water withdrawal from each water well he or she controlled for the previous calendar year.
01.01 A ground water user's first report shall be due on December 31, following his or her initial information report required by Ch. 13.
- 02 Municipal and Other user ground water withdrawal report required -
By March 1 of each year, a Municipal user and each Other user shall report the ground water withdrawal from each water well he or she controlled for the previous calendar year.
02.01 A ground water user's first report shall be due on March 1, following his or her initial information report required by Ch. 13.
- 03 Temporary methods of determining withdrawal -
Prior to installation of a flow meter, the ground water user shall determine the acre inches of ground water withdrawal by the hours pumped, multiplied by sixty (60) minutes, multiplied by the gallons per minute capacity of a water well, divided by twenty seven-thousand one hundred fifty four (27,154) gallons. (Hours x 60 x G.P.M. ÷ 27,154)
03.01 Fuel or electrical consumption may provide information on actual hours pumped.
- 04 Assistance to determine ground water withdrawal -
Upon request, the District will assist ground water users in determining annual ground water withdrawal.

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CHAPTER 14 – WATER MEASUREMENT REQUIREMENTS

- 01 Ground water withdrawal measured from connected water wells -
Ground water withdrawals from water wells that are connected by a common pipeline may be measured by the use of one flow meter, provided the total ground water withdrawal is measured.
- 02 All flow meters installed must be approved -
The flow meter installed must be a brand and/or model approved by the District.
02.01 The District will consider approval of flow meters installed prior to the implementation of this chapter on a case by case basis.
- 03 Reporting flow meter installation -
The ground water user shall report the installation of a water flow meter within thirty (30) days after installation.
03.01 The flow meter must be installed according to manufacturer's specifications.
- 04 Reporting malfunctioning meters -
A malfunctioning flow meter must be reported to the District within twenty-four (24) hours after discovery.
- 05 Flow meter maintenance -
The District will inspect flow meters for proper installation and operation.
05.01 The ground water user shall be responsible for maintenance, repair and/or replacement of an improperly installed or malfunctioning flow meter.
05.01a 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.
05.01b The District may offer maintenance of flow meters on a fee basis.
05.02 Records of the flow meter readings will be kept by the District when a flow meter is removed for offsite service or replacement.
05.03 When a flow meter is removed for repair at a time when the ground water user desires to withdraw ground water, the District may install a temporary flow meter.
05.03a Another District approved method of determining ground water consumption may be used if a flow meter is not available or cannot be readily installed.
05.04 The service provider shall certify in writing that a flow meter meets the manufacturer's specifications following repairs or calibration.
05.04a The ground water user shall provide the District with a copy of the

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certification.

06 Sealing of flow meters -

Flow meters may be sealed by the District to prevent tampering.

06.01 The District may consider whether or not to seal a flow meter when circumstances indicate doing so may cause unnecessary inconvenience for the ground water user or the District.

07 Random inspection of flow meters -

Flow meters shall be subject to random inspection.

08 Removal of a seal must be approved -

The seal on a flow meter shall not be removed without prior approval of the District.

08.01 A flow meter may be removed for off-season storage, where applicable.

08.01a In order to prevent ground water contamination when a flow meter is removed, the pipe opening must be covered in such a manner as to provide a water tight seal.

09 Penalty for failure to comply -

A ground water user that fails to report, or falsely reports ground water 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.

10 Variances will be considered -

The District will consider variances in instances where Nebraska Health and Human Services regulations governing municipal water supply systems conflict with these rules and regulations.

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**REGULATIONS FOR
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CHAPTER 15 – ALLOCATION TO AGRICULTURAL USERS

- 01 Amount of ground water allocated -
Each agricultural user shall limit ground water withdrawal to the allocation amount per certified acre determined by the Board as provided in Chapter 8, ¶ 05.
- 02 Carryover of an unused portion of an allocation -
When an agricultural user does not withdraw all of his or her allocation of ground water during a ground water use period, the unused amount shall be added to his or her next ground water use period allocation.
02.01 The maximum accumulated carry over shall not exceed one-third ($\frac{1}{3}$) of the allocation amount for the current allocation period.
- 03 Ground water 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 ground water use period allocation.
03.01 The total additional amount of ground water withdrawn after the implementation of this chapter shall not exceed one-fifth ($\frac{1}{5}$) of the allocation for the current ground water use period.
- 04 Transfer of ground water use acres to a different ground water user -
When the control of certified ground water use acres is transferred to a different agricultural user during a ground water use period, the remaining allocation balance for said acres shall also be transferred to the new agricultural user.
04.01 If the ground water use acres are in a pooling agreement, the affected agreements must be amended as provided in Ch. 13.
- 05 Acres Reduction Variance -
The Board may consider requests for ground water use acres reduction as an alternative to allocation on a case by case basis.

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CHAPTER 16 – ALLOCATION TO MUNICIPAL USERS

01 Allocation for municipal user -

A municipal user shall limit ground water withdrawal to two hundred and seventy-four thousand (274,000) gallons per capita served plus the allocation amount per certified acre determined by the Board as provided in Chapter 8, ¶ 05, for one third ($\frac{1}{3}$) of the non-agricultural lands within the municipal jurisdictional limits for the ground water use period.

01.01 A municipal user shall receive an the allocation amount per certified acre determined by the Board as provided in Chapter 8, ¶ 05, for the ground water use period for irrigated agricultural lands that it serves. This allocation shall be added to the municipal user's total allocation.

02 Conservation procedures required -

By March 1 after implementation of this chapter, the municipal user shall have adopted an administrative procedure that allows the municipal user to require water conservation practices and restrict the water use of its customers.

03 Conservation education required -

By March 1 after implementation of this chapter the municipal user shall submit to the District and begin implementation of a water conservation information and education plan aimed at its customers.

04 Population census used to determine per capita use -

The most recent population census information available from the United States Bureau of Census will be used to determine per capita ground water use.

04.01 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.

05 Exempted ground water uses -

Ground water used for fire protection, water and sewage system maintenance and construction and repairs shall not be considered when calculating annual ground water withdrawal.

05.01 The municipal user shall provide documentation to estimating such uses.

05.02 The District shall consider other exemptions on a case by case basis when requested.

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CHAPTER 16 - ALLOCATION TO MUNICIPAL USERS

- 06 A municipal user must report other users which are supplied ground water-
A municipal user shall report to the District any other user, as described in Ch 4,
¶16, which is served by its water system.
06.01 Ground water delivered to the other user shall not be considered part of a
municipal user's allocation.
- 07 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 ground
water use period shall be based on the actual remaining part of the ground water
use period in which ground water withdrawal is expected to occur.
- 08 Carryover of unused portion of an allocation -
When a municipal user does not withdraw all of his or her allocation of ground water
during a ground water use period, the unused amount shall be added to his or her
next ground water use period allocation.
08.01 The maximum accumulated carry over shall not exceed one-third ($\frac{1}{3}$) of the
allocation amount for the current allocation period.
- 09 Ground water withdrawn in excess of municipal user's allocation -
Ground water withdrawn in excess of municipal user's allocation shall be deducted
from his or her next ground water use period allocation.
09.01 The total additional amount of ground water withdrawn after the
implementation of this chapter shall not exceed one-fifth ($\frac{1}{5}$) of the allocation
for the current ground water use period.
- 10 Next allocation set by the Board -
The Board will set a new allocation for the next ground water use period by
September 1 prior to the end of each ground water use period.
10.01 The new allocation will be set by amendments to Rule 5 in accordance with
the requirements of state law.

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CHAPTER 17 - ALLOCATION TO OTHER USERS

- 01 Allocation for other users -
Any other user shall limit his or her ground water withdrawal during the ground water use period to one-hundred (100) percent of his or her historic withdrawal.
01.01 Historic withdrawal shall be determined based on the average annual withdrawal for the three (3) year period prior to the first ground water use period.
- 02 New or modified operations requiring additional ground water -
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:
02.01 The quantity of ground water desired annually.
02.02 The purpose for which the ground water is to be used.
02.03 An explanation of operation methods, including water conservation features, for that type of water use.
02.04 An estimate of the water use per unit of production, if applicable.
02.05 Other information requested by the District.
- 03 Next allocation set by the Board -
The Board will set a new allocation for the next ground water use period by September 1 prior to the end of each ground water use period.
03.01 The new allocation will be set by amendments to Rule 5 in accordance with the requirements of state law.
- 04 Carryover of unused portion of an allocation -
When an other user does not withdraw all of his or her allocation of ground water during a ground water use period, the unused amount shall be added to his or her next ground water use period allocation.
04.01 The maximum accumulated carryover shall not exceed one-third ($\frac{1}{3}$) of the allocation amount for the current allocation period.
- 05 Ground water 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 ground water use period allocation.
05.01 The total additional amount of ground water withdrawn after the implementation of this chapter shall not exceed one-fifth ($\frac{1}{5}$) of the allocation for the current ground water use period.

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**REGULATIONS FOR
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CHAPTER 17 - ALLOCATION TO OTHER USERS

- 06 Transfer of ground water withdrawal to a different ground water user -
When the control of an other user's withdrawal is transferred to a different ground water user during a ground water use period, the remaining allocation balance for the ground water use period shall also be transferred to the new ground water user.

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**REGULATIONS FOR
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CHAPTER 18 – PHASE I REQUIREMENTS

- 01 All operators subject to Phase I requirements -
All operators of land within the District are subject to the requirements of Phase I.
- 02 Anhydrous application date -
Pre-plant anhydrous ammonia may not be applied prior to November 1.
- 03 Other Nitrogen fertilizer application date -
Pre-plant nitrogen fertilizer in liquid or dry forms may not be applied prior to March 1.
- 04 Fertilizer application exemptions -
The following fertilizer application activities are exempt from the provisions of Ch. 18, ¶ 02 and ¶ 03.
 - 04.01 The application of nitrogen fertilizer for any purpose other than fertilization for spring planted crops.
 - 04.02 The application of nitrogen fertilizer for spring planted small grains such as barley, oats and rye.
 - 04.03 The application of fertilizer that is not considered a “nitrogen fertilizer” as defined in these rules and regulations.
 - 04.04 The spreading of manure, sewage and other by-products conducted in compliance with state laws and regulations.
- 05 Reports required in Potential Phase II Management Areas -
By March 1, following the determination of a Potential Phase II Management Area, each operator of land in the Potential Phase II Management Area must report to the District information concerning his or her use of best management practices.

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**REGULATIONS FOR
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CHAPTER 19– DETERMINATION OF A PHASE II MANAGEMENT AREA

01 Potential Phase II Criteria -

A Potential Phase II Management Area is a management zone that has a median ground water nitrate value of nine (9) milligrams per liter or more.

02 Determination of a Phase II Management Area -

A Phase II Management Area will be designated when the median nitrate level, in the District designated monitoring wells, is greater than nine (9) milligrams per liter and less than sixty (60) percent of the land in a Potential Phase II Management Area is farmed using the following best management practices or when the median nitrate level, in the District designated monitoring wells, is greater than twelve (12) milligrams per liter and less than seventy-five (75) percent of the area is farmed using the following best management practices:

02.01 Soil sampling as described in Ch. 20, ¶ 03.

02.01a The percentage of land from which soil samples are being taken will be determined by dividing the total acres that were properly soil sampled and planted to corn and sorghum, divided by the total acres planted to corn and sorghum.

02.02 Irrigation scheduling as described in Ch. 20, ¶ 04.

02.02a The percentage of land on which irrigation scheduling is used will be determined by dividing the acres on which irrigation scheduling was used, divided by the total acres irrigated.

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REGULATIONS FOR GROUND WATER MANAGEMENT AREA #2

CHAPTER 20 – PHASE II REQUIREMENTS

- 01 Phase I requirements continued in Phase II -
All Phase I requirements continue to be in force in Phase II.
- 02 Phase II operator training -
Within two (2) years following the designation of a Phase II Management Area, all operators of land in the designated Management Area must attend a Natural Resources District approved training session and be certified by the District.
02.01 Training and certification must be renewed every four (4) years.
02.02 The District will accept certification by other Natural Resources Districts.
02.03 Renewal certification may be received by District approved methods which may include:
02.03a Attending a Natural Resources District approved training session.
02.03b Passing a Natural Resources District approved test.
02.03c Completing a Natural Resources District approved home study course.
- 03 Phase II soil sampling -
Each operator must obtain at least one (1) composite, three (3) foot deep soil sample per field per year, in which corn or sorghum will be grown following a non-legume crop and/or when livestock, municipal or industrial waste was applied within the last twelve (12) months.
- 04 Phase II irrigation scheduling -
Each operator must schedule his or her irrigation on each irrigated field by one (1) of the following methods:
04.01 Check book method.
04.02 Appearance and feel.
04.03 Resistance blocks or tensiometer.
04.04 Other methods approved by the District.
- 05 Phase II nitrogen needs calculations -
The operator must calculate the nitrogen application rate needed for each field.
05.01 Calculations must be based on University of Nebraska recommended procedures and must account for soil analysis and all other nitrogen credits.
- 06 Phase II annual reporting required -
By March 1 of each year, each operator must report information regarding the use of best management practices.

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**REGULATIONS FOR
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CHAPTER 21 – DETERMINATION OF A PHASE III MANAGEMENT AREA

- 01 Potential Phase III Determination -
After a management zone has been a Phase II Management Area for at least five (5) years, the District will determine its potential as a Phase III area.
- 02 Potential Phase III Criteria -
A Potential Phase III Management Area is a management zone that has a median ground water nitrate value of twelve (12) milligrams per liter or more.
- 03 Determination of a Phase III Management Area -
A Phase III Management Area will be designated when the median nitrate level, in the District designated monitoring wells, is greater than twelve (12) milligrams per liter and less than seventy-five (75) percent of the land in a Potential Phase III Management Area is farmed using the following best management practices or when the median nitrate level, in the District designated monitoring wells, is greater than sixteen (16) milligrams per liter and less than ninety (90) percent of the area is farmed using the following best management practices.
- 03.01 Soil sampling as described in Ch. 20, ¶ 03.
- 03.01a The percentage of land from which soil samples are being taken will be determined by dividing the acres that were properly soil sampled and planted to corn and sorghum divided by the total acres planted to corn and sorghum.
- 03.02 Irrigation scheduling as described in Ch. 20, ¶ 04.
- 03.02a The percentage of land on which irrigation scheduling is used will be determined by dividing the acres on which irrigation scheduling was used divided by the total acres irrigated.
- 04 Eligibility for Phase III Determination -
A management zone must be designated a Phase II Management Area for at least five (5) years, prior to designation as Phase III area.

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**REGULATIONS FOR
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CHAPTER 22 - PHASE III REQUIREMENTS

- 01 Phase I and Phase II requirements continued -
All Phase I and Phase II requirements continue to be in force in Phase III.
 - 02 Phase III soil sampling requirements -
The operator must obtain at least one (1) composite, three (3) foot deep soil sample per forty (40) acres per year in which corn or sorghum will be grown following a non-legume crop and/or when livestock, municipal or industrial waste was applied within the last twelve (12) months.
 - 03 Phase III water withdrawal requirements -
The operator must report the amount of water pumped for each irrigated field to the District.
 - 04 Phase III irrigation water nitrate analysis -
The operator must have the irrigation water tested for nitrates at least once every three (3) years.
-

**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
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**REGULATIONS FOR
UPPER PLATTE RIVER BASIN INTEGRATED MANAGEMENT AREA**

CHAPTER 23 - UPPER PLATTE RIVER BASIN INTEGRATED MANAGEMENT AREA

- 01 Moratorium on new and expanded uses of groundwater -
A person shall not construct a water well or use an existing water well to develop a new or expand an existing ground water use unless the District has determined that:
01.01 An offset will be provided, or
01.02 There will be no increase in the consumptive use of ground water.
- 02 Permit – When required –
In additions to the requirements of Chapter 5, a person desiring to withdraw and/or consumptively use ground water shall obtain a permit for the following.
02.01 Changing the type of ground water use from an existing water well.
02.02 Adding or modifying infrastructure for the purpose of expanding the consumptive use of ground water.
- 03 Additional Information Required -
In addition to the information required in Chapter 5, an permit application shall include the following:
03.01 The source of offset for the proposed ground water use.
 03.01a If the source of the offset is to be transferred from another natural resources district, the applicant must provide evidence that the other district has approved the use of the proposed offset.
 03.01b The depletion factor at the source and destination tracts.
03.02 If the offset will require the physical transfer of ground water.
03.03 If the proposed activity will result in a change in the type of ground water use.
03.04 Any additional information deemed necessary by the District to determine compliance with these rules and regulations.
- 04 Source of offset limitations-
Ground water offsets shall comply with the transfer criteria set out in Chapter 11.

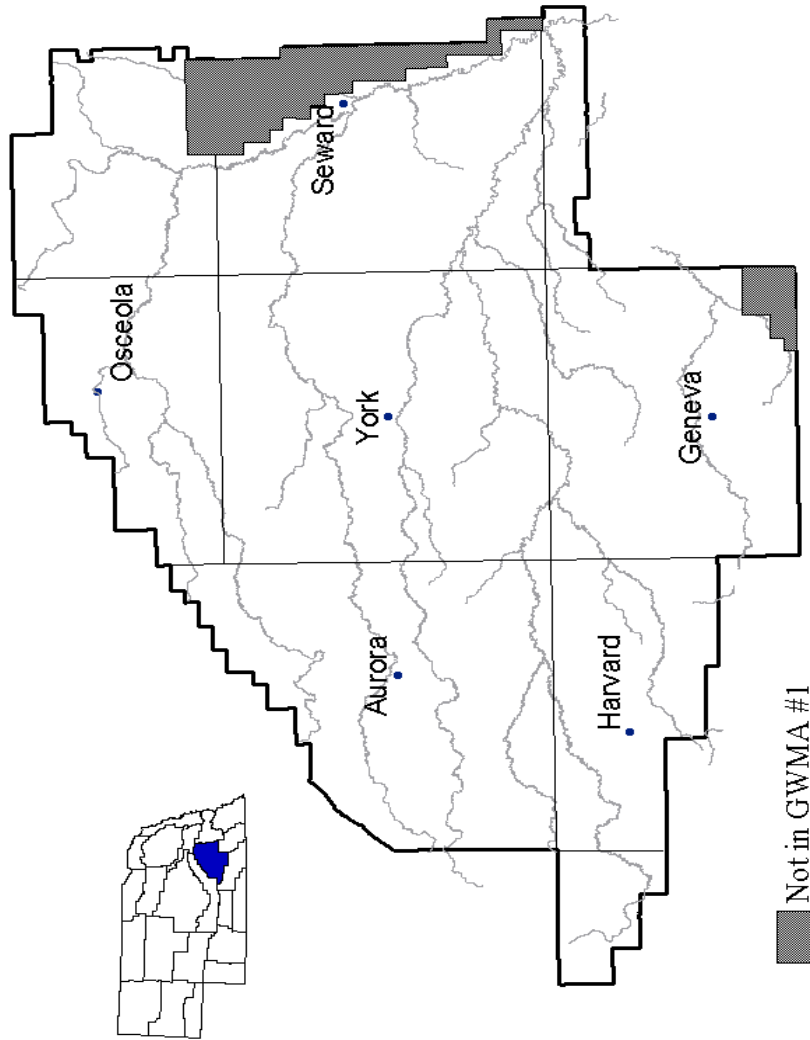
**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
MANAGEMENT RULES AND REGULATIONS**

First adopted December 12, 1978 (control area)
First adopted November 17, 1994 (special protection area)
Revisions adopted April 22, 1982 (control area)
Revisions adopted May 24, 1990 (control area)
Revisions adopted July 18, 1996 (ground water management areas)
Revisions adopted March 19, 1998
Revisions adopted June 17, 1999
Revisions adopted November 18, 1999
Revisions adopted May 17, 2001
Revisions adopted January 15, 2004
Revisions adopted June 21, 2007
Revisions adopted February 18, 2010
Revisions adopted September 16, 2010
Revisions adopted December 16, 2010

RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
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APPENDIX A

Upper Big Blue
Natural Resources District
Ground Water Management Area No. 1



**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
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APPENDIX B

Legal Description of the Upper Big Blue NRD Ground Water Management Area 1

Commencing at a point on the Clay-Adams County line at the SW corner of Sec. 7, T7N, R8W of the 6th PM; thence westerly to the SW corner of Sec. 9, T7N, R9W of the 6th PM; thence northerly to the SW corner of Sec. 33, T8N, R9W of the 6th PM; thence westerly to the SW corner of Sec. 34, T8N, R10W of the 6th PM; thence northerly to the SW corner of Sec. 22, T8N, R10W of the 6th PM; thence westerly to the SW corner of Sec. 19, T8N, R10W of the 6th PM; thence northerly to the Adams-Hall County line at the NW corner of Sec. 6, T8N, R10W of the 6th PM; thence easterly along the Adams-Hall County line to the SW corner of Hamilton County at the SW corner of Sec. 31, T9N, R8W of the 6th PM; thence northerly along the Hamilton-Hall County line to its intersection with the middle of the south channel of the Platte River; thence along the middle of said channel to the NW corner of Sec. 6, T11N, R7W of the 6th PM; thence easterly to the NW corner of Sec. 3, T11N, R7W of the 6th PM; thence northerly to the NW corner of Sec. 34, T12N, R7W of the 6th PM; thence easterly to the NW corner of Sec. 31, T12N, R6W of the 6th PM; thence northerly to the NW corner of Sec. 19, T12N, R6W of the 6th PM; thence easterly to the NW corner of Sec. 21, T12N, R6W of the 6th PM; thence northerly to the NW corner of Sec. 16, T12N, R6W of the 6th PM; thence easterly to the NW corner of Sec. 15, T12N, R6W of the 6th PM; thence northerly to the NW corner of Sec. 3, T12N, R6W of the 6th PM; thence easterly to the SW corner of Sec. 36, T13N, R6W of the 6th PM; thence northerly to the NW corner of Sec. 36, T13N, R6W of the 6th PM; thence easterly to the NW corner of Sec. 32, T13N, R5W of the 6th PM; thence northerly to the NW corner of Sec. 29, T13N, R5W of the 6th PM; thence easterly to the NW corner of Sec. 27, T13N, R5W of the 6th PM; thence northerly to the NW corner of Sec. 22, T13N, R5W of the 6th PM; thence easterly to the NW corner of Sec. 23, T13N, R5W of the 6th PM; thence northerly to the NW corner of Sec. 14, T13N, R5W of the 6th PM; thence easterly to the Hamilton-Polk County line at the SW corner of Sec. 7, T13N, R4W of the 6th PM; thence northerly to the NW corner of Sec. 7, T13N, R4W of the 6th PM; thence easterly to the NW corner of Sec. 10, T13N, R4W of the 6th PM; thence northerly to the NW corner of Sec. 27, T14N, R4W of the 6th PM; thence easterly to the NW corner of Sec. 27, T14N, R3W of the 6th PM; thence northerly to the NW corner of Sec. 15, T14N, R3W of the 6th PM; thence easterly to the NW corner Sec. 13, T14N, R3W of the 6th PM; thence northerly to the NW corner of Sec. 12, T14N, R3W of the 6th PM; thence easterly to the NW corner of Sec. 7, T14N, R2W of the 6th PM; thence northerly to the NW corner of Sec. 31, T15N, R2W of the 6th PM; thence easterly to the NW corner of Sec. 34, T15N, R1W of the 6th PM; thence northerly to the NW corner of Sec. 22, T15N, R1W of the 6th PM; thence easterly to the Polk-Butler County line at the NW corner of Sec. 19, T15N, R1E of the 6th PM; continuing easterly to the NE corner of Sec. 24, T15N, R2E of the 6th PM; thence southerly to the SE corner of Sec. 36, T15N, R2E of the 6th PM; thence easterly to the NE corner of Sec. 6, T14N, R4E of the 6th PM; thence southerly to the SE corner of Sec. 7, T14N, R4E of the 6th PM; thence westerly to the SE corner of Sec. 12, T14N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 24, T14N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 19, T14N, R4E of the 6th PM; thence southerly to the SE corner of Sec. 7, T13N, R4E of the 6th PM; thence westerly to the SE corner of Sec. 12, T13N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 24, T13N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 19, T13N, R4E of the 6th PM; thence southerly to the SE corner of Sec. 19, T13N, R4E of the 6th PM; thence southerly to the SE corner of Sec. 22, T13N, R2E of the 6th PM; thence southerly to the south Butler County line at the SE corner of Sec. 34, T13N, R2E of the 6th PM; continuing southerly to the NE corner of Sec. 15, T12N, R2E of the 6th PM; thence easterly to the NE corner of Sec. 14, T12N, R2E of the 6th PM; thence southerly to the NE corner of Sec. 26, T12N, R2E of the 6th PM; thence easterly to the NE corner of Sec. 25, T12N, R2E of the 6th PM; thence southerly to the NE corner of Sec. 36, T12N, R2E of the 6th PM; thence easterly to the NE corner of Sec. 31, T12N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 7, T11N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 8, T11N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 17, T11N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 16, T11N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 28, T11N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 27, T11N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 15, T10N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 14, T10N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 35, T10N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 36, T10N, R3E of the 6th PM; thence southerly to the NE corner of Sec. 24, T9N, R3E of the 6th PM; thence easterly to the NE corner of Sec. 20, T9N, R4E of the 6th PM; thence southerly to the Seward-Saline County line at the SE corner of Sec. 32, T9N, R4E of the 6th PM; thence easterly to the NE corner of Sec. 3, T8N, R4E of the 6th PM; thence southerly to the SE corner of Sec. 15, T8N, R4E of the 6th PM; thence westerly to the SW corner of Sec. 18, T8N, R2E of the 6th PM; thence northerly to the SW corner of Sec. 7, T8N, R2E of the 6th PM; thence westerly to the SE corner of Sec. 9, T8N, R1E of the 6th PM; thence southerly to the SE corner of Sec. 16, T8N, R1E of the 6th PM; thence westerly to the Saline County line at the SW corner of Sec. 18, T8N, R1E of the 6th PM; thence southerly on the Saline-Fillmore County line to the SE corner of Sec. 12, T6N, R1W of the 6th PM; thence westerly to the SE corner of Sec. 8, T6N, R1W of the 6th PM; thence southerly to the SE corner of Sec. 20, T6N, R1W of the 6th PM; thence westerly to the SE corner of Sec. 24, T6N, R2W of the 6th PM; thence southerly to the SE corner of Sec. 25, T6N, R2W of the 6th PM; thence westerly to the SE corner of Sec. 26, T6N, R2W of the 6th PM; thence southerly to the SE corner of Sec. 35, T6N, R2W of the 6th PM; thence westerly to the Fillmore-Clay County line at the SW corner of Sec. 31, T6N, R4W of the 6th PM; thence northerly to the SE corner of Sec. 36, T7N, R5W of the 6th PM; thence westerly to the SW corner of Sec. 34, T7N, R6W of the 6th PM; thence northerly to the SW corner of Sec. 27, T7N, R6W of the 6th PM; thence westerly to the SW corner of Sec. 27, T7N, R7W of the 6th PM; thence northerly to the SW corner of Sec. 10, T7N, R7W of the 6th PM; thence westerly to the point of beginning and shall include all unconsolidated and semiconsolidated materials of Pleistocene to Recent Age within those boundaries.

**RULE 5 – UPPER BIG BLUE NATURAL RESOURCES DISTRICT GROUND WATER
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APPENDIX C

