



Press releases for Upper Big Blue NRD Rules & Regulations 2004-2009

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UPPER BIG BLUE

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NEWS RELEASE
FOR IMMEDIATE USE

Changes Made to Rule 5 During January 15, 2004 Upper Big Blue NRD Board of Directors Meeting

The Upper Big Blue NRD Board of Directors met Thursday, January 15, 2004 at the UBBNRD office to amend and make changes to the District's Rule #5 pertaining to groundwater regulations and management. The purpose for changes in the rule is to ensure that a viable supply of groundwater will be available for current and future generations of agricultural, municipal and other users.

This much anticipated board meeting has followed several months of debate and discussion, including a November 2003 public hearing with nearly 200 producers and farmers in attendance to offer testimony.

The heavily debated issue of installation of flow meters on wells will officially be written into the UBBNRD Rules and Regulations mandating that producers will be responsible for installing flow meters on existing wells if the water levels hit the allocation trigger. If the allocation trigger is hit, producers must have meters installed and operational before the water level hits the allocation trigger. By this point, if the allocation trigger is reached and producers and other users have not implemented flow meters, then they will not be able to pump any amount of water. All new wells and replacement wells will automatically require a flow meter. Also, wells, or a series of wells will now be regulated with a pumping capacity of 50 gallons per minute or more. The old rule set regulation of wells with a pumping capacity of 100 gallons per minute or more.

"There are over 11,000 irrigation wells in our district," according to Rod DeBuhr, UBBNRD Water Department Manager, "Therefore, irrigators should consider getting meters on their wells as soon as possible. If a person waits until the last few months there may not be enough meters available."

There will be no moratorium on new well drilling, therefore, it is recommended that wells not be drilled just for the sake of drilling in fear of a possible moratorium in the future.

"The thing we are trying to tell the public," states John Turnbull, UBBNRD General Manager, "is that if a person needs a well, go ahead and fill out a well permit application and put the well down. But, if you're getting a well permit application for a permit and want to put a well down because you're afraid there's a moratorium coming, that's probably a bad business decision. The rules that the board just adopted today have no moratorium anywhere in those rules."

In regard to the allocation of groundwater usage, no changes were made. Allocation will only be implemented if the district groundwater level falls below the 1978 groundwater level. If at some point the water level dips below the 1978 level, then irrigators will be restricted to using 48 inches per acre for three years. At allocation, municipal users will be limited to 48 inches per acre for three years for 1/3 of the area in the city limits plus 250 gallons per person per day. It was originally proposed that

the 48 inches of water over a three-year period be reduced to 39 inches, however, this idea was abandoned and the 48 inches demarcation will stand. Also, no changes were made to the allocation trigger, which is the designated point where water will need to be allocated.

Nor were changes made to well spacing and new irrigation development. Also, existing ground water transfers regulations will remain the same with the additional language that after March 1, 2004, any new transfer of groundwater that does not comply with the transfer rule is prohibited. Exceptions are provided for transfers authorized by the Municipal Rural Domestic Ground Water Transfers Permit Act, and transfers by municipal users inside their corporate limits and temporary transfers used for construction activities.

As far as pooling allocation, the rules will now read that pooling of acres will either fall under one ownership, or pooling of acres under one operation and acres irrigated by the same well by agreement with land owners. In other words, renters and owners must enter into a signed contract that both party's intentions are to enter into a pooling allocation agreement. For instance, a producer would be allowed to pool a gravity irrigated field in combination with a pivot irrigated field.

Also proposed, but not passed, dealt with irrigated acre reduction instead of allocation and metering which would have given producers the option to stop irrigating 10-percent of their land if allocation was triggered. This would have meant that they could elect to irrigate their other 90-percent of their acres (without regulation) as long as they abstained from irrigating their designated 10-percent of acreage. Now however, flow meters will be required on all wells at time of allocation instead of acre reduction.

Mr. Turnbull also added that he and UBBNRD board member Curt Friesen had been appointed in 2002 by Governor Johanns to be part of a 49-member Nebraska Water Policy Task Force. Turnbull outlined the Task Force's purpose of evaluating the effectiveness of current water policies in Nebraska and to make recommendations on any needed changes to the existing laws governing the integrated management of surface water and hydrologically connected ground water. The task Force's findings and recommendations have culminated into Legislative Bill #962, which has been introduced to the Nebraska Legislature. The hearing date is scheduled for January 21 before the Natural Resources Commission of the Legislature.

"The Board of Directors voted to support the Water Policy Task Force recommendations including the necessary funding package," Turnbull said. "The Task Force recommendations are the best deal we could get for NRDs and our constituents. The legislation will keep ground water under the correlative rights legal doctrine, that is share and share alike in times of shortage."

The board also elected new officers for the current calendar year. Roger Houdersheldt of Shelby will retain his position as Chairman, Vice-chairman is Jerl Joseph of Hampton, Secretary is Doug Bruns of Waco, Treasurer is Augustus Brown, Jr. of York, NARD Representative is Doug Dickinson of Seward, and alternate NARD Representative is Yvonne Austin of Staplehurst.

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NEWS RELEASE
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Rule Changes at Pioneer Trail and Oxbow Trail Recreation Sites

The Upper Big Blue NRD Board of Directors met Thursday, September 16, 2004 at the Upper Big Blue NRD office to discuss and vote on September's committee actions and reports.

A Special Hearing for the FY2005 Tax Request began at 7:30 p.m. The public was welcome to attend the Special Hearing for the FY2005 Tax Request. Also, the FY2005 Budget is available for review at the Upper Big Blue NRD office. (The Upper Big Blue NRD's fiscal year runs from July 1-June 30).

A second Public Hearing for a firearms rule change at Pioneer Trails Recreation Area and a change of rules to allow trapping at Oxbow Trail Reservoir began at 8:30 p.m. The Rules and Regulations pertaining to Pioneers Trails Recreation Area went into effect on March 1, 1987. The NRD staff is reconsidering the use of firearms at the area for safety concerns. Tom Kell and Mark Cleveland, both from Aurora, Nebraska, who own land along the North West portion of Pioneer Trails attended the special hearing. Mr. Kell asked the Board to look into the matter of changing the firearms rule as he has often heard bullets ricochet over his home. The Board considered Mr. Kell's request and so moved to change the rules. The revisions to the rules and regulations pertaining to Pioneer Trails Recreation Area Special Regulations are now as follows: *Target shooting is prohibited; Discharging center-fire and rim-fire rifles, handguns, and muzzleloading firearms are prohibited unless a special trapping permit is issued by the District; Hunting is prohibited on the South 250 feet on the lands located in the SW 1/4 of Section 26 designated for public use.*

Also, the Board moved and made revisions to the rules and regulations pertaining to Oxbow Trail Reservoir and Associated Recreation Area Special Regulations. The revisions to the rules and regulations for Oxbow Trail Reservoir are now as follows: *Trapping of furbearers will be allowed at Oxbow Trail Reservoir during the allowable hunting and trapping season as set up by the Nebraska Game and Parks Commission, and in accordance to Chapter 13 of these regulations.*

Dr. Roy Spalding of the UNL Water Center made a presentation at the September 9th Upper Big Blue NRD Water Committee meeting to discuss a study proposal to quantify the impacts of conversion to center pivots and other management practices on the loading and movement of nitrates in the unsaturated zone. A grant application for this study will be submitted to the USDA Cooperative State Research, Education & Extension Service. The total cost of the study is \$499,927. The Upper Big Blue NRD staff thinks that this type of study is needed to improve the understanding of how changes in irrigation and tillage practices are impacting nitrate loading in fine textured soils in the District.

Dr. Spalding believes that District support will enhance and improve the chances of having this grant awarded. The Board moved that the NRD staff submit a letter of support to accompany the grant application, indicating that the Upper Big Blue NRD will also provide assistance in identifying farmers willing to participate in such a study. The Board also moved that the Upper Big Blue NRD financially support the study by an amount up to \$40,000 over the three period of the proposed study, only if the USDA grant is awarded.

American Soil Technologies, Inc. and the University of Nebraska Cooperative Extension have submitted a grant proposal to The Nebraska Environmental Trust for a study to be conducted to demonstrate the benefits of a polymer soil that claims to significantly reduce nitrate leaching, irrigation requirements and improve yield potential. Mr. Ron Salestrom, American Soil Technologies, Inc. representative, has requested that the Upper Big Blue NRD write a letter indicating a willingness to participate in the proposed project by identifying farmers/producers interested in cooperating with the study. The Board so moved and authorized the NRD to write the letter of support for the proposed study.

The Board moved that General Excavating of Lincoln, Nebraska, be awarded the contract for clearing and debris removal at the Southeast Community College—Milford Campus storm water drainage improvement project. Clearing of approximately ½ acre and removal of debris along the proposed storm water drainage route will be necessary in order to complete survey and final design at the College. The easement requires that trees suitable for firewood will be salvaged for the landowner, and the debris will be hauled to a landfill.

The Board approved Land Treatment Program cost-share payments on three applications for Nebraska Soil and Water Conservation Program (NSWCP) funds. Approval was also given for Aquifer Quality Well Abandonment Cost-Share Assistance Program (AQWACAP) payments for 11 well abandonments. These cost-share payments provide incentives for cooperators to install and maintain conservation practices throughout the District for the purpose of conserving Nebraska's natural resources. In fact, since AQWACAP began in 1992, nearly 1,100 wells have been properly decommissioned with a total cost-share assistance paid in the amount of over \$142,000 by the Upper Big Blue NRD. Throughout the month of August, 13 well construction permits were issued making a total of 178 permits issued for the first eight months of 2004. This compares to 189 well permits issued for the same period during 2003.

Additional approval was given for payments to be made to cooperators in the Nebraska Buffer Strip Program for 17 Nebraska Buffer Strip contracts. The Board also motioned to accept the Corners for Wildlife Program contract submitted by Jack Rath (of Clay County) for a five-year period. Mr. Rath plans to seed 5.1 acres of a pivot corner to a warm season grass mix and to plant 525 trees and shrubs for food and wildlife cover. The Corners for Wildlife areas are pivot corners or portions of pivot corners that have been developed for wildlife. The payments are being made with funds from The Nebraska Environmental Trust Fund through the Pheasant Forever Chapters.

Lastly, the Upper Big Blue NRD Board of Directors approved to purchase a computer server and supporting hardware and software from Hamilton Information Systems of Aurora, Nebraska. The server system will allow files to be housed on the file server without tying up computer processor speed on any individual workstation. The server will also provide an improved back-up system. The NRD processes and manages an extension volume of files, permit information and reports, pertaining to the operation of the NRD Water Department and the server will help in the storage and retrieval of this massive amount of information.

This concludes the actions of the Upper Big Blue Natural Resources District Board of Directors meeting of September 16, 2004.

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If you would like information on any of the services that the Upper Big Blue NRD provides, or have any questions/comments, please feel free to contact:

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FOR IMMEDIATE RELEASE:

June 26, 2007

Upper Big Blue NRD Board of Directors Met on June 21, 2007

The Upper Big Blue NRD Board of Directors met Thursday, June 21, 2007, at the Upper Big Blue Natural Resources District office to discuss and vote on June's committee actions and reports.

The Upper Big Blue NRD Board of Directors began the evening by opening a Public Hearing to hear comments on proposed changes to the District's Ground Water Regulations on June 21, 2007 at 7:30 p.m. This Public Hearing was conducted at the Upper Big Blue NRD office, located at 105 North Lincoln Ave, York, Nebraska.

Several other changes concern ground water transfers, including the requirement of a permit for any ground water transfer. The new regulation limits a new ground water transfer for irrigation to an adjacent tract of land in an adjacent section. The maximum amount of an irrigation transfer would be to the same number of acres as the tract of land where the well is located, or 160 acres, whichever is less. Other ground water transfers, such as industrial, will be limited to the adjacent government survey section. Transfers of more than 250 acre-feet annually for uses other than irrigation would be required to conduct a detailed ground water study.

The existing rules require a detailed ground water study (hydrologic evaluation) when the proposed water use is 500 acre-feet or more a year. The proposed regulation changes the requirements for the detailed ground water study by making it clear that all sources of ground water for one activity need to be included in a hydrologic evaluation. The hydrologic evaluation is to include impacts to current ground water users and a minimum twenty-year impact on potential future uses.

Criteria would be added for determining whether a well permit for a large water use should be issued. The criteria include the use of accepted methods in conducting the hydrologic evaluation, satisfactory compliance with District Rules and Regulations, and compliance with the goals and objectives of the rules and regulations. The criteria would also include consideration of the preference of use of ground water which is: 1) domestic; 2) agriculture; and 3) manufacturing and industry. Permits may be denied if there is a reasonable probability of adverse impacts to other ground water or surface water users. 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, and protection of the public's interest and welfare would also have to be considered in the review of permit applications.

Finally, the NRD Board of Directors made an amendment to only require a \$5,000 dollar deposit with the District to cover the cost of subsequent reviews of hydrologic evaluations, if the initial study is rejected. If the review costs less than the deposit, the unused balance would be refunded to the applicant. In other words, the cost for the NRD to review the first hydrologic evaluation is complementary, however if subsequent hydrologic evaluations are reviewed, a deposit would then be required.

A proposed change that was not adopted was to require 1,000 feet spacing between wells including those under the same ownership. Current regulations only require 1,000 feet spacing between wells of different ownership. (The spacing regulations apply to wells that pump more than 50 gallons a minute). **However**, an amendment was made to keep the original rule of requiring 1,000 feet spacing between wells under *different ownership*, and not to include requiring 1,000 feet spacing between wells of *same ownership*.

A copy of the proposed changes to the District's Ground Water Regulations can be obtained by contacting the Upper Big Blue NRD at (402) 362-6601 and is also available online at: www.upperbigblue.org.

UPDATE: CERTIFICATION of IRRIGATED ACRES REPORTING through June 2007:

The NRD Board approved certification of 10,531.7 irrigated acres through June 2007 as reviewed by the Water and Regulations Committee. This brings the total of certified irrigated acres to 885,640. All groundwater users needed to report information related to their groundwater uses by March 1, 2007. If the District Average Ground Water Level falls more than 1.62 feet below the Spring 2007 District Average Ground Water Level, then allocation of groundwater will begin. The District Average Ground Water Level is determined each spring by measuring the static groundwater level in over 500 wells across the NRD. If a landowner has not reported this information to the Upper Big Blue NRD, then they are strongly encouraged to do so immediately. To schedule an appointment, or for more information contact the Upper Big Blue NRD, 105 Lincoln Avenue, York, NE 68467. Ph. (402) 362-6601.

FLOW METER COST-SHARE news:

Thirty-six meters have been installed this month and the NRD staff has inspected and approved these installations. The NRD board approved payment of \$17,734.25 in cost-share for these 36 meters. Cost-share money for the Flow Meter Program has come to the Upper Big Blue Natural Resources District in the form of a \$900,000 grant from The Nebraska Environmental Trust. The total grant amount will be disbursed over a three-year period.

NEPTUNE FLOW METER:

Great Plains Meter (Aurora, NE) has requested that the Neptune High Performance Turbine Meter be added to the District's approved flow meter list. This meter's primary use will be for industry. It is similar to Master Meter, which is already on the NRD's approved list. The board moved that the Neptune High Performance Turbine Meter be added to the District's approved flow meter list.

NEBRASKA AGRICULTURE WATER MANAGEMENT DEMONSTRATION NETWORK news:

The District ordered and received irrigation scheduling equipment for resale and NRD use as part of the Nebraska Agriculture Water Management Demonstration Network. The purchases for June total \$6,693.58 from the following vendors: Clements Associates, Inc. - \$913.15; Irrrometer Company, Inc. - \$3,337.18; ETgage Company - \$1,298.58; and Delmhorst Instrument Company—\$1,144.67. The NRD Board approved that the District make payments for this equipment.

CROP-TIP 2007 Year #4 UPDATE:

The Sub-surface Drip Irrigation (SDI) system is finishing being installed at CROP-TIP this month. As part of the data to be collected at the demonstration site, the NRD staff would like to collect soil moisture levels on a frequent interval to see how the SDI reacts to crop water use compared to the gated pipe irrigation. To accomplish this, "data loggers" are needed for each of the five fields. The District currently owns one of the 5 data loggers and 15 of the 30 sensors needed. The additional equipment to be purchased would cost approximately \$1,170. In addition, \$707.50 worth of equipment would be taken out of the District's resale inventory for a total of \$1,877.50. The board approved this arrangement.

YORK COUNTY news:

In December 2006, the Upper Big Blue NRD Board of Directors voted to approve of a tree planting project at the park area located on the south side of the street at the corner of Donegal Road and Woodland Road in the McBride Sub-division in the City of Aurora in the amount not to exceed \$420.00. The District's policy is to fund these types of projects at 25% of the estimated of project cost, whichever is less. The board approved payment for the tree planting in the amount of \$418.95.

Construction work is completed on the City of York drainage improvements along Highways 34 and 81. The final project cost is \$460,235.72, and the District's share of cost, based on the Inter-local Agreement, is \$115,058.93. The District's share of cost is 25% of the local share not to exceed \$153,000. The District previously paid \$109,365.38, leaving a balance due of \$5,693.55. The NRD board approved the final payment of \$5,693.55 to the City of York, in accordance with the Interlocal Agreement, dated December 19, 2002 and amended January 4, 2007, between the District and City, for the District's share of project cost for these drainage improvements.

YORK COUNTY news (cont.):

Construction of drainage improvements along the entrance road to Recharge Lake has been completed. The work was done under a lump sum contract with Wy-Ad Utility Contractors, Inc. The board authorized this lump sum final payment of \$5,510.00 for the construction work previously approved by the District on April 23, 2007.

The NRD board moved that the District hire Huebert Land Leveling to repair erosion at the Overland Trails Project (located in Section 15, Township 10 North, Range 2 West of York County) for the lump sum price of \$9,622.

KEZAN CREEK Proposed Dam Project—Feasibility Study UPDATE:

During the June NRD Projects & Programs Committee meeting on June 13, 2007, the NRD staff reviewed the status of the District's application for a Resources Development Fund (RDF) grant through the Nebraska Natural Resources Commission (NNRC) and Nebraska Department of Natural Resources (DNR). The final application submittal is pending revision of the RDF guidelines. In order for the Kezan Creek Project to be feasible, the RDF recreation day benefit needs to be increased from the current level of \$5.74 to more than \$15.00 per recreation day. The NNRC will discuss changing the recreation day value at their next meeting in July.

The Upper Big Blue NRD board passed the motion that the District support increasing the recreation day benefit, as used in the Nebraska Natural Resource Commission's Resources Development Fund Guidelines, from the current value of \$5.74 per recreator day to a value of at least \$20.00 per recreator day to be more consistent with the value recommended by Nebraska Game and Parks.

DISTRICT-WIDE news:

The board approved payment of \$92,473.91 for 41 NRD Fund Land Treatment applications to cost-share on 6 pivot irrigation systems, 16 pivot nozzle systems, 10 buried pivot lines, 1 planned grazing system, 6 windbreaks, 1 windbreak renovation, and 1 sub-surface drip irrigation system.

Board approval was given for Aquifer Quality Well Abandonment Cost-Share Assistance Program (AQWACAP) payments totaling \$3,207.60 for 7 well-abandonments. These cost-share payments provide incentives for cooperators to install and maintain conservation practices throughout the District for the purpose of conserving Nebraska's natural resources.

The board approved payments totaling \$1,047.50 to 2 cooperators of the Wildlife Habitat Improvement Program (WHIP). The NRD share of the cost is 25% of the total amount. The Nebraska Game & Parks Commission will reimburse the NRD 75% of the total amount.

Also approved was \$12,250.07 in payments on 23 Nebraska Buffer Strip Program contracts, as well as payments in the amount of \$3,915.00 to 11 cooperators in the Corners for Wildlife program. The Corners for Wildlife areas are pivot corners or portions of pivot corners that have been developed for wildlife. The payments are being made with funds from The Nebraska Environmental Trust and the Pheasants Forever Chapters.

The board approved payment of \$12,706.54 for 26,525 trees and shrubs from the Nebraska Association of Resources Districts. Total payment includes two rolls of plastic wrap and 10 bags of wood chips for wrapping hand-plants, as well as delivery cost. The trees and shrubs were in turn sold to District customers for the purpose of planting farmstead windbreaks, wildlife plantings, field windbreaks, timber plantings and riparian plantings.

WELL CONSTRUCTION PERMITS FOR May 2007:

Throughout the month of May 2007, 11 well construction permits were issued. This brings the total for calendar year 2007 to 60 well construction permits.

This concludes the actions of the Upper Big Blue Natural Resources District Board of Directors meeting of June 21, 2007.

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NEBRASKA'S NRDS:

**PROTECTING LIVES
PROTECTING PROPERTY
PROTECTING THE FUTURE**

FOR IMMEDIATE RELEASE:

November 20, 2009

It Is Illegal to Apply Liquid Nitrogen Prior to March 1st in the Upper Big Blue NRD

It is illegal to apply liquid Nitrogen by itself in the Upper Big Blue NRD prior to March 1st. This also includes using liquid Nitrogen as an agent to assist in the decomposition of corn stalks.

Pre-plant anhydrous ammonia may not be applied prior to November 1. Pre-plant Nitrogen fertilizer in liquid or dry forms may not be applied prior to March 1. The following activities are exempt from the provisions of the Upper Big Blue NRD Rules and Regulations regarding fertilizer application:

- 1). The application of Nitrogen fertilizer for any purpose other than fertilization for spring planted crops.
- 2). The application of Nitrogen fertilizer for spring planted small grains such as barley, oats and rye.
- 3). The application of fertilizer that is not considered a "Nitrogen fertilizer" as defined in these rules and regulations.
- 4). The spreading of manure, sewage and other by-products conducted in compliance with state laws and regulations.

If you should have any questions or concerns, please call Dan Leininger, Upper Big Blue NRD Water Conservationist at (402) 362-6601.

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