

PUBLIC HEARING NOTICE
NORTH PLATTE NATURAL RESOURCES DISTRICT

Pursuant to Neb. Rev. Stat. § 46-743, notice is hereby given that the North Platte Natural Resources District (NPNRD) shall hold a public hearing on Thursday, February 18, 2010, immediately following an information session beginning at 7:00 p.m. MST, at the NPNRD Conference Room, 100547 Airport Road, Scottsbluff, Nebraska. The purpose of the public hearing is to take testimony concerning the proposed amendments to Chapter 1, Rule 1.2 and Chapter 6 (Allocation of Ground Water) of the NPNRD Rules and Regulations for the Enforcement of the Nebraska Ground Water Management and Protection Act (Rules). For the full text of the proposed amendments to Chapter 1, Rule 1.2 and Chapter 6 of the Rules, refer to the NPNRD website, at <http://www.npnrd.org>, contact the NPNRD at the address above, or contact the NPNRD at (308) 632-2749.

The proposed amendments to Chapter 1, Rule 1.2 apply to the entire geographic area of the NPNRD. The proposed amendments to Chapter 6 of the Rules encompass the overappropriated portion of the NPNRD with the exception of the Pumpkin Creek Basin Ground Water Management Sub-Area as defined in Order NPNRD-4.

The proposed amendments to Chapter 1, Rule 1.2 are to incorporate new definitions and to modify existing definitions related to the proposed amendments in Chapter 6 of the Rules.

The following is a general description of the proposed amendments to Chapter 6 of the Rules.

The allocation for ground water on all certified irrigated acres (acres) is 56 acre-inches per certified irrigated acre over a 4 year allocation period beginning with Water Year 2010. The operator and/or landowner may apply for an exemption to the allocation (exemption) for those acres which are irrigated with ground water only through a gravity irrigation system. If approved, this exemption will require the cessation of ground water irrigation on 1/15th of the total acres approved for the exemption as well as a dedicated flow meter to measure the amount of ground water applied to those acres. The deadline for the exemption application is April 1 of the water year in which the exemption is sought. The exemption will be in effect for the duration of the allocation period unless revoked by the District.

Any ground water carried forward and, if applicable, any overdrafts and/or penalties from Water Year 2009 will be applied during the allocation period beginning in Water Year 2010.

A pre-existing allocation unit (PAU) has been designated by the District in situations where the amount of ground water applied to more than one certified irrigated tract is not able to be determined due to the configuration of the regulated well(s) and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

If approved, the available water on tracts subject to an allocation or tracts subject to the exemption may be combined into a designated allocation unit (DAU). In order to establish a DAU, several criteria must be met: 1) all wells and a portion of each tract must be within a floating 3x3 mile square; 2) the stream depletion percentage for each well must be within 10% of the other wells; 3) tracts must be served by ground water only or commingled only and in the case of commingled only, the tracts must be within the same irrigation district or canal company; 4) all tracts and wells are owned by the same person; 5) tracts must be subject to an allocation only or subject to the exemption only; and 6) PAUs cannot be part of a DAU. The application deadline for a DAU is April 1 of the water year the DAU is to be established. The DAU will be in effect for the duration of the allocation period unless rescinded by the District.

General provisions related to the allocation for ground water irrigation are 1) no ground water may be applied unless the available water is greater than zero; 2) an available water overdraft and/or penalties will result in a reduction in the available water for the current and/or next allocation period; and 3) the lesser amount of the unused available water or 14 acre-inches per certified irrigated acre multiplied by the number of acres within the tract can be carried forward into the next allocation period.

Acres enrolled in a federal and/or state program requiring cessation of irrigation will not receive an allocation or exemption during the period of the program, but will be eligible for an allocation or exemption upon removal of acres from the program. When acres enter the program, any remaining allocation will be rescinded and any exemption will be revoked.

The allocation for uses other than irrigation, municipal, and industrial will require the user to submit an application to the District which must be approved by the Board prior to ground water use.

Failure to comply with any provisions of Chapter 6 of the Rules will result in enforcement actions and penalties, which may include but not be limited to, loss of the exemption or loss of part or all of the available water.

Any interested person may appear at the hearing and present written or oral testimony concerning the proposed amendments to Chapter 6 of the Rules. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the NPNRD by February 10, 2010. Testimony relevant to the purposes of the hearing may also be submitted in writing to the North Platte Natural Resources District, P.O. Box 280, Scottsbluff, NE 69363-0280 or by electronic mail to the NPNRD at rcacek@npnrd.org by 5:00 p.m. MST, February 18, 2010.

For further information regarding the proposed amendments to Chapter 1, Rule 1.2 and Chapter 6 of the Rules, or for the full text of the proposed amendments to Chapter 1, Rule 1.2 and Chapter 6 of the Rules, refer to the NPNRD website, at <http://www.npnrd.org>, contact the NPNRD at the address above, or contact the NPNRD at (308) 632-2749.

Arden Wohlers
Secretary