

## CHAPTER 3 -- CERTIFICATION OF GROUND WATER USES

3-1 Area Designation and Boundaries. The area subject to Chapter 3-Certification of Ground Water Uses is the entire geographic area that coincides with the boundaries of the North Platte Natural Resources District, except for all lands lying within the Pumpkin Creek Basin Groundwater Management Sub-Area, as defined in Order NPNRD-4.

3-2 Certification Deadlines. Beginning January 1, 2008 no regulated groundwater well shall be operated unless such use has been certified and approved by the District pursuant to these Rules and Regulations. The certification processes will be conducted and completed according to the following schedule:

Garden and Sioux Counties: by January 1, 2007

Morrill and Banner Counties: by May 1, 2007

Scotts Bluff County: by January 1, 2008

It is incumbent upon the person applying for certification of groundwater use to present and thoroughly review any documentation with the District during the certification process to ensure that persons' type and amount of groundwater use within the District is accounted for and agreed upon.

3-3 Certification of Ground Water Uses for Irrigation. Any landowner who uses a regulated well whose purpose is to supply groundwater to irrigate crops must obtain certification of each irrigated tract by applying to the District on forms provided by the District. The District will consider historical information provided by the applicant that supports irrigation use for a calendar year from the period of July 1, 1997 through July 26, 2004 and submitted with the application:

1. Location of each tract to be irrigated by legal description to the nearest quarter section.
2. An aerial photo or map of each tract.
3. The size, in acres, of the irrigated tract.
4. The registration number(s) of any wells historically used to irrigate each tract.
5. Indicate any sources of irrigation water other than groundwater to be used on each tract.
6. USDA-FSA records for each tract for the year an irrigation history is claimed.
7. County Assessor records for each tract for the year an irrigation history is claimed.
8. Any other information deemed necessary by the District.

3-4 Certification of Ground Water Uses for Public Water Supplies. Any person who uses a regulated well to supply groundwater for public supplies must obtain certification of each use by applying to the District on forms provided by the District. The applicant shall furnish the following information with the application:

1. Public water supply system permit number(s).
2. The registration number of water well(s).

3. Location of groundwater use by legal description or map of distribution area.
4. Identification of any sources of water for the public water system other than ground water.
5. Total number of service connections.

3-5 Certification of Ground Water Uses for Other Than Irrigation and Public Water Supplies. Any person who uses a regulated well to supply groundwater for other than irrigation of crops or public water supply must obtain certification of each use by applying to the District on forms provided by the District. The applicant shall furnish the following information with the application:

1. Purpose of groundwater use.
2. Location of groundwater use by legal description.
3. The registration number of water well(s).
4. Identification of any sources of water for the use other than ground water.

3-6 Consideration of Applications and Decision on Certification. In considering each application, the District will take into consideration the following information in the following order of preference:

1. Records of the U.S. Department of Agriculture
2. Records of the County Assessor
3. Evidence submitted by the applicant or the District's staff
4. Any other information deemed relevant by the District

The District may request more information from an applicant. Certification will be based on the size and location of irrigated tracts, the capacity of livestock operations, or on the amount and purpose of other uses in the period between July 1, 1997 to July 26, 2004. Applicants who feel that information for that period does not reflect normal circumstances for that groundwater use may produce evidence to support their case. The District shall take this evidence into consideration when reviewing applications for certification. A majority vote by the members of the board of directors present at an open meeting of the board shall be necessary for approval of an application for certification. The board, at its discretion, may grant temporary certification if there is not enough time or information for final determination.

#### 3-6.1 Changes in Certification

3-6.1.a. The board may re-evaluate any determination on certification from time to time on its own motion or upon receiving an application for change in certification from an owner. Such application for change must be submitted on forms provided by the District. The board may approve changes if it finds that such changes would not increase the number of total irrigated acres, or otherwise have detrimental effects on ground water or surface water users. The board may rescind any previously approved certification if it finds that (a) the application for certification contained any false or misleading information; or (b) that the

ground water user failed to meet any conditions stipulated in the certification.

3-6.1.b. Any change in property ownership that results in a certified ground water use passing from one person to another must be reported to the District by the new property owner within 60 days of the completion of the transaction on forms provided by the District.

3-6.1.c. If for any reason, including but not limited to consideration for receipt of funds paid by the District or by any other party, a landowner agrees to permanently discontinue irrigation on acres for which certification has previously been approved, the board shall rescind such certification to the extent it applies to those acres.

3-6.1.d. Anytime a certification is modified or rescinded the District shall notify the applicable landowner or landowners by certified mail of any changes in or rescission of a previously approved certification.

### 3-6.2 Appeals

Any groundwater user aggrieved by a determination of the board regarding certification of ground water use may request a hearing before the District for the purpose of reconsidering that decision. Such request shall be filed with the District within thirty (30) days of receipt of notice of the board's action on the groundwater user's application. Such hearing shall be conducted in accordance with the District's rules and regulations for informal, non-adjudicatory hearings unless a groundwater user requests a formal, adjudicatory hearing. The burden of proof shall be on the ground water user to document that the District's decision should be modified.

3-7 Variances. The Board may grant variances from the strict application of Chapter 3 of these Rules and Regulations if it determines that construction of a new municipal, industrial, or irrigation well is necessary to alleviate an emergency situation involving the provision of water for human consumption or upon other good cause shown. The request for a variance must provide all the information requested by the District on forms provided by the District, and any other information requested by the District. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing.

*Adopted this 14th Day of August, 1997. These amended rules and regulations shall be effective commencing September 18, 1997.*

*Amended and adopted this 14<sup>th</sup> Day of September, 2006. These amended rules and regulations shall be effective commencing October 12, 2006*