

CHAPTER 8 – BACKUP WELLS & DEWATERING WELLS

I. Backup Wells

1. Backup wells may be permitted and operated subject to the following condition:
 - a. Backup wells can be used for commercial, livestock and aquaculture purposes only. Well construction permits must be obtained pursuant to these Rules & Regulations for commercial and aquaculture backup wells.
 - b. The pumping capacity of the backup well cannot exceed the pumping capacity of the primary well.
 - c. The backup well and primary well must be located within the same geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the WWUMM.
 - d. The backup well can be used only for the certified use of the primary well.
 - e. The primary well and backup well shall be considered one well for the purposes of these Rules & Regulations. As such, any water pumped from a commercial backup well must be measured with a flow meter and shall be counted against the allocation from the primary well, if any, which it backs up.
 - f. The backup well cannot be operated while the primary well is capable of being operated, with the exception of when maintenance is being performed on either the primary well, or, if there is more than one backup well, one of the backup wells.

II. Dewatering Wells

1. Dewatering wells may be either temporary or permanent. If a dewatering well is intended to be used on a permanent basis, it does not need decommissioned after the temporary use of 90 days or less.
2. If any person intends to construct a dewatering well for a permanent use, a well construction permit must be obtained pursuant to these Rules & Regulations. A permanent dewatering water well must have no adverse effect on downstream third parties and have no increase in consumptive use. A WWUMM analysis will be conducted on any application for a permanent dewatering well, and the cost of this analysis will be paid to the District by the applicant upon billing from the District.
3. If approved for a well construction permit for a permanent dewatering well, following construction of the new well, the landowner must register the new well with the Department, have the ground water use certified with the District and install a flow meter prior to the withdrawal of any ground water.

CHAPTER 9 – TEMPORARY GROUND WATER USE PERMITS

A temporary ground water use permit must be obtained by any person who intends to withdraw ground water from a regulated irrigation well with an associated certified use and allocation for energy exploration and development, or construction purposes for a period of less than or equal to six (6) months. Temporary ground water use permits shall not be granted on regulated irrigation wells serving certified irrigated acres within a current DAU or PAU.

I. Application

1. Permit applications must be completed in full including the nature, duration, timeframe and estimate of the withdrawal amount of the temporary ground water use. The application must be signed by the landowner and the temporary ground water user and filed with the District. The applicant must pay a non-refundable permit application fee of one thousand dollars (\$1,000) to the District, which shall be paid at the time the application is filed with the District. A separate application must be filed with the District for each proposed temporary ground water use.

2. Once the District receives a completed application and the permit application fee, the application shall be reviewed and either approved, approved with conditions, or denied within thirty (30) days after the completed application is filed with the District.

3. Temporary ground water use permits will be denied if any of the following situations exist: (1) the certified use has not been granted an allocation; (2) the remaining available water is insufficient to supply the estimated amount of the temporary ground water use; or (3) any other circumstance in violation of these Rules & Regulations or federal or state law.

4. The amount of ground water withdrawn from a regulated well for the permitted temporary ground water use must be measured with the flow meter that is permanently installed on the regulated well or irrigation system. This amount will be subtracted from the available water for the certified ground water use. If the temporary ground water use results in an available water overdraft, the overdraft, any available water overdraft penalty and/or any other penalties will be assessed during the next allocation period in accordance with these Rules & Regulations.

II. Extension

1. Temporary ground water use permits shall expire six (6) months after the approval date. If the project for which the temporary ground water use permit was approved is not contemplated to be completed by the permit expiration date and ground water is still needed from the regulated well, the temporary ground water user and/or landowner must complete and file an application with the District for an extension at least thirty (30) working days prior to the expiration date of the permit.

2. Extensions may be granted by the District for a period of up to six (6) months. The extension application form, provided by the District, must be completed in full, including an explanation detailing why the extension is needed, including the estimated amount of ground water to be withdrawn during the extension period. The application must be signed by the landowner and the temporary ground water user and filed with the District. The applicant must pay a non-

refundable extension application fee of one thousand dollars (\$1,000) to the District, which shall be paid at the time the application is filed with the District. No more than one extension per proposed temporary use will be granted.

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CHAPTER 10 – CHEMIGATION

The District hereby incorporates, as part of these Rules & Regulations, the requirements of Title 195 of the Nebraska Administrative Code, as promulgated by the Nebraska Department of Environmental Quality (DEQ). Nothing in these Rules & Regulations shall be construed as exempting any person from the provisions of Title 195 N.A.C. or the Nebraska Chemigation Act.

No person within the geographic boundaries of the District shall apply or authorize the application of chemicals to land or crops through the use of chemigation unless such person first obtains a permit from the District. A chemigation permit is not required to pump or divert water to or through an open discharge system.

I. Application

1. A chemigation permit must be obtained by any person who intends to engage in chemigation, before commencing chemigation. Permit application forms provided by the District must be completed in full, signed by the applicant and filed with the District on or before June 1. A separate chemigation permit must be obtained for each injection location. The applicant must pay a non-refundable application fee, as determined by the type of permit application. The fees are as follows:

- a. The application fee for a new chemigation permit is one hundred dollars (\$100), with five dollars (\$5) of this amount paid by the District to the DEQ.
- b. The application fee for a chemigation renewal permit is seventy dollars (\$70), with two dollars (\$2) of this amount paid by the District to the DEQ.
- c. The application fee for an emergency chemigation permit is two hundred fifty dollars (\$250), with ten dollars (\$10) of this amount paid by the District to the DEQ.
- d. The application fee for a special chemigation permit is one hundred fifty dollars (\$150), with five dollars (\$5) of this amount paid by the District to the DEQ.

2. The District will review new or special permit applications, conduct an inspection of the chemigation system and either approve or deny the application within forty-five (45) days after the completed application is filed with the District.

3. The District will review emergency chemigation permit applications, conduct an inspection of the chemigation system and either approve or deny the application within two (2) working days after the completed application is filed with the District.

II. Inspection and Equipment

1. Employees of the District shall have access at all reasonable times to inspect chemigation systems and otherwise carry out their duties under the Chemigation Act and these Rules & Regulations. All approved chemigation renewal permit holders will have their

chemigation system inspected at a minimum of once every two (2) years. The District reserves the right to make periodic inspections of chemigation systems whether or not a permit has been issued.

2. If a chemigation permit is not issued following an inspection by District personnel, it is the responsibility of the applicant to request the District to perform a re-inspection of the chemigation system. A reapplication for a new chemigation permit will be required if two inspections of the chemigation system have been conducted and the District has denied the permit application or suspended or revoked an existing chemigation permit.

3. The chemigation permit holder or applicator is required to be present during inspection of the chemigation system by District personnel. District personnel will not operate any irrigation or chemigation equipment, nor will District personnel open any electrical control box. The chemigation system must be started and shut-down during the inspection. District personnel may assist in removal of the chemical injection line check valve and the inspection port if requested by the chemigation permit holder or applicator. The District, at its expense, will replace a chemical injection check valve that is damaged during the testing process.

4. District personnel will have a limited number of chemigation equipment parts available for sale at District cost during the inspection process, in the event of equipment malfunction. If the District does not have the needed parts on hand, the chemigation permit holder or applicator must obtain parts from another supplier to repair the equipment in order to maintain compliance with these Rules & Regulations.

III. Replacement or Alteration of Equipment

1. Any permitholder who replaces or alters or authorizes the replacement or alteration of chemigation equipment which was previously approved by the District shall notify the District within seventy-two (72) hours of such replacement or alteration. District personnel shall conduct an inspection of the replaced or altered equipment and shall approve the continuance of chemigation if the replaced or altered equipment remains in compliance with the requirements of Neb. Rev. Stat. §46-1127 and these Rules & Regulations. No additional permit fee shall be collected by the District for inspecting a previously approved injection location.

CHAPTER 11 – NITROGEN APPLICATION

This Chapter of these Rules & Regulations will become effective no later than January 1, 2021. Prior to the effective date of this Chapter, the Lisco-Oshkosh-Lewellen (LOL) sub-area will remain under the following restrictions:

1. Application of commercial nitrogen fertilizer is prohibited after September 1 of each year and before March 1 of the following year on all certified irrigated tracts served by regulated irrigation wells. Certified irrigated tracts served by regulated irrigation wells and planted to small grain winter crops (e.g., wheat) are exempt this restriction.
2. Commercial nitrogen fertilizer may be applied after January 1 at a rate of ten (10) pounds of nitrogen per acre or less to certified irrigated tracts served by regulated irrigation wells that are planted to alfalfa.

Before January 1, 2021, the District will establish Groundwater Quality Management Sub-Areas for the purpose of regulating nitrogen contaminants. Regulation of all other contaminants are addressed in the District's current Groundwater Management Plan.

The sub-areas to be established by the District, including the Lisco-Oshkosh-Lewellen sub-area, will be categorized according to the following levels and are subject to the requirements of the designated level.

I. Level I Controls

For nitrate levels between 0 and 5 ppm, the following controls shall be utilized:

1. Develop and implement an information and education program. This program will include brochures, newsletters and other methods to encourage best management practices and to inform the public of potential problems.
2. Maintain an ongoing program of monitoring wells for ground water quality, identify any obvious sources of pollution, collect land use data for the area and identify and deficiencies in the data.
3. Make sure all existing Rules for prevention of ground water pollution under District jurisdiction, such as chemigation permits, are enforced.
4. Share information with appropriate agencies and seek cooperation in enforcing these Rules & Regulations.
5. As potential areas of contamination are identified, the District shall sample additional wells to determine the severity and geographical extent of the contaminated area.

II. Level II Controls

For nitrate levels between 5.1 and 10 ppm, the following controls shall be utilized:

1. All Level I Controls will be incorporated into Level II Controls.

2. Each operator who applies commercial nitrogen fertilizer or livestock waste after January 1, 2021, must be certified by meeting District approved educational requirements designed to acquaint landowners and/or operators with best management practices in the operation of their irrigation and cropping systems. Certification shall be good for a period of four (4) years.
3. Each operator who irrigates with ground water must have a flow meter installed pursuant to Chapter 6 of these Rules & Regulations, to measure the amount of ground water withdrawn and applied.
4. Each operator who applies commercial nitrogen fertilizer or livestock waste after January 1, 2021, must cause to have performed an annual soils analysis of residual nitrate-nitrogen content on each certified irrigated tract. Such soils analysis must comply with the University of Nebraska NebGuide G1740, titled "Guidelines for Soil Sampling." The analysis must be conducted by a commercial laboratory from the University of Nebraska-Lincoln's list of laboratories who offer soil testing analysis services. An operator may be exempted from complying with the above University of Nebraska guidelines by submitting an alternate written plan for soil sampling to the District and receiving District approval. In considering such an alternate plan, the District may approve it as submitted, approve it with additional stipulations, or deny it.
5. Beginning in the year 2021, each operator shall submit to the District by January 10 of each year an annual report for the preceding calendar year containing the following information for each certified irrigated tract:
 - a. Results of nitrate-nitrogen analysis in parts per million (PPM) for each well which supplies irrigation water to that tract, with each well identified by legal location to the nearest 10-acre tract and by the Department registration number.
 - b. Results of nitrate-nitrogen analysis soil samples for each certified irrigated tract, identified by legal description and showing the irrigation well used to irrigate that field.
 - c. Crops grown, and per-acre yield goal used as the basis for determining nitrogen needs on each field.
 - d. A nitrogen fertilizer rate recommendation, based on previous yields, residual nitrate-nitrogen levels in soil, nitrogen levels in groundwater used for irrigation, and other sources of nitrogen available to the crop, including manure. The fertilizer recommendation must utilize the University of Nebraska formula for commercial nitrogen recommendations.
 - e. Amounts of commercial fertilizer applied per acre and date(s) of application.
 - f. Estimate of tons of manure and/or compost applied per acre.
 - g. Flow meter readings from beginning and end of irrigation season.

- h. Total amount of irrigation water applied.
 - i. Method of irrigation scheduling used.
 - j. Actual per-acre yield.
 - k. Planned crop rotation for following year.
6. Applications of anhydrous ammonia are prohibited after soil temperatures reach 50 degrees Fahrenheit or above.

III. Level III Controls

For nitrate levels of 10.1+ ppm and above, the following controls shall be utilized:

- 1. All Level I and Level II Controls will be incorporated into Level III Controls.
- 2. Spring applications after March 1 of commercial nitrogen fertilizer shall be either:
 - a. Applied in split (pre-plant or pre-emergent/post emergent) applications with no more than 50% applied as pre-plant or pre-emergent;
 - b. Applied with a District approved inhibitor at the manufacture's recommended rate, if more than 50% is applied as pre-plant or pre-emergent, and operators may be required to furnish certification from the dealer that the inhibitor was used and at the recommended rate, unless the total pre-plant application is 80 pounds per acre of actual nitrogen or less, in which case the 50% rule above would not apply; or
 - c. All applied as a side dress post-emergent.

CHAPTER 12 – IRRIGATION RUNOFF

1. All ground water users are prohibited from allowing improper runoff of irrigation water.
2. A ground water user may implement any structural or non-structural procedure, measure, or combination thereof which provides for effective prevention, control or abatement of ground water irrigation runoff, including but not limited to the following:
 - a. Limitation of water utilized so that structural measures are not necessary to prevent irrigation runoff water and proper operation and management of the irrigation system including any reuse or other control measures installed.
 - b. Construction of a runoff collection and/or retention system, such as a sump of dugout, together with a reuse pump and/or ditch to return the water to the same or other field for beneficial use, or construction of grass filter strips or buffer zones.
 - c. Blocking of rows or field borders to contain irrigation water within the property under the direct supervision or control of the ground water user.
 - d. The execution and performance of an agreement between two or more persons and approved by the District for utilization of any irrigation runoff water in accordance with these Rules & Regulations.
 - e. Any other procedures or measures deemed acceptable by the District.
3. A ground water user whose irrigation runoff water is capable of being captured and utilized by another ground water user or other person in a manner which will prevent waste of such water, deterioration of surface water quality, and/or accumulation of water upon the land of any other person without their consent may have such water excluded from the definition of improper irrigation runoff water by submitting to the District an agreement providing for such capture and utilization signed by all affected parties, on forms provided by the District.
4. When such an agreement is approved by the District, it will show the District's concurrence that the ground water user's irrigation runoff water is under adequate control. Any such agreement may be terminated at any time by the District whenever it determines that such agreement no longer prevents or controls improper irrigation runoff water. If the District terminates any such agreement, written notice shall be provided to all affected parties. If appropriate, a new agreement between all affected parties will be developed and approved by the District.

CHAPTER 13 – TRANSFERS OF GROUND WATER

Domestic, livestock, energy exploration and development, or construction uses subject to temporary ground water use permits are not subject to this Chapter.

Reconfiguration applications may be approved by the General Manager, if the location of the well is not changed and if there are no adverse impacts to other ground water users, surface water appropriators and/or the North Platte River and its tributaries and if there is no increase in consumptive use. Reconfigurations are not considered a transfer and a transfer permit is not required, but a modeling analysis must be performed prior to any reconfiguration.

I. Qualifications

1. The following qualifications must be met in order to be considered for a transfer permit application:

- a. Each regulated well and at least a portion of each certified irrigated tract or location of a certified ground water use to be include in the transfer must be within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the WWUMM and, if applicable, within the boundaries of the same irrigation district or land served by a mutual irrigation company.
- b. Commingled certified irrigated acres may be transferred to a location not previously irrigated with either surface water or ground water only if the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well and the surface water right appurtenant to those acres are transferred together.

In this event, documentation must be provided verifying that the commingled certified irrigated acres to be transferred have a valid surface water right. Approval of a transfer permit in this situation will be contingent upon the Department's approval of the landowner or irrigation district's reassignment of the surface water.

- c. Commingled certified irrigated acres and the associated point of ground water withdrawal from a regulated well may be transferred to a location currently possessing a valid surface water right.

In this event, documentation must be provided verifying that the proposed new location of the transfer has a valid surface water right.

- d. The point of ground water withdrawal and/or the location of a certified ground water use may be transferred to another point of ground water withdrawal or to a location using only ground water.

- e. The information provided by the applicant on their application must correspond to existing information on file with the District and, if applicable, the Department and the appropriate irrigation district or mutual irrigation company.
- f. The regulated well identified on the application must have withdrawn ground water for purposes of serving the certified ground water use for three (3) out of the five (5) years prior to the application filing date, as evidenced by District ground water withdrawal records.
- g. The transfer will not result in an increase of irrigated acres.
- h. The transfer must not result in the relocation of a certified ground water use or the point of ground water withdrawal from a regulated well from the fully appropriated area of the District to the overappropriated area of the District.
- i. The transfer must not result in the relocation of a certified ground water use or the point of ground water withdrawal from a regulated well from outside the geographic boundaries of the District into the District.

II. Application Process

1. A transfer permit application must be obtained by any person, prior to the initiation of a project, with the intent to transfer the location of a certified ground water use, the point of ground water withdrawal from a regulated well, the purpose of a certified ground water use, or any combination thereof. Permit application forms provided by the District must be completed in full, signed by all the landowners or the person with legal authority to sign for the landowners or entity, and filed with the District. The applicant must pay a non-refundable permit application fee of ten thousand dollars (\$10,000) to the District, with the exception of reconfiguration applications, which shall be paid at the time the application is filed with the District.

2. A separate application must be filed with the District for each proposed transfer. In cases where concurrent transfers are required in order to execute a proposed transfer which is dependent on the implementation of another proposed transfer (e.g., a change in location of a certified ground water use which also requires a change in the point of ground water withdrawal from a regulated well), only one application is required for all such concurrent proposed transfers.

3. If the applicant provides notice to the District of the intention to withdraw the application, the General Manager, within fifteen (15) working days, will dismiss the application and provide written notice of such dismissal, via certified mail, to all applicants.

4. If the applicant provides notice to the District of the intention to proceed with the application, the District, within (15) working days, will provide written notification, via certified mail, to all applicants acknowledging the date the District received the notice and the intention to proceed with the application.

5. The applicant must contact the District within thirty (30) working days following the receipt of notice from the District to begin preparation, in partnership with the District, of a

transfer mitigation agreement that will include provisions for implementation and completion of the mitigation action identified in the WWUMM analysis report.

6. Failure to provide notice to the District of the desire to withdraw or proceed will result in the application being dismissed by the General Manager. The District will provide written notification of such dismissal, via certified mail, to all applicants within fifteen (15) working days following the dismissal.

III. Application Requirements

1. If the cost of the WWUMM analysis, pursuant to the approval conditions hereinafter described, exceeds the non-refundable application fee of ten thousand dollars (\$10,000), the difference between the actual cost of the modeling analysis, as invoiced to the District from the District's modeling consultant, and the application fee will be paid by the applicant to the District.

2. Within five (5) working days of the District's receipt of the modeling analysis invoice from the District's modeling consultant, the District will send, via certified mail, a copy of the invoice to all applicants showing the cost of the modeling analysis and any difference between the actual cost and the application fee paid by the applicant, which difference shall be paid in full to the District within thirty (30) days of the invoice date. Failure to pay the invoice from the District within thirty (30) days will result in enforcement actions, in accordance with these Rules & Regulations.

3. For transfers involving the location of a certified ground water use or, if applicable, a change in the point of ground water withdrawal from a regulated well, reports of title for the land from which the certified ground water use will be transferred and the land to which the certified ground water use will be transferred must be submitted with the application. Such reports of title must be issued by an attorney or a registered abstractor and must include the names of the current record owners, legal descriptions of the properties and the existence of all consensual liens, evidenced by the filing of a mortgage, trust deed, or other equivalent consensual security interest, against each respective property and the name and address of each lienholder.

IV. Department Permits

1. If a public water supplier applies for a municipal and rural domestic transfers permit from the Department, pursuant to Neb. Rev. Stat. §46-639, the Board will not take action to approve, deny or cancel the transfer permit application until after the issuance of an Order by the Department approving or denying the municipal and rural domestic transfers permit. The District will cancel the transfer permit application if a public water supplier is granted a municipal and rural domestic transfers permit by the Department. The application fee will not be refunded.

2. A public water supplier must enter into and satisfy the terms of a transfer mitigation agreement as described in this Chapter prior to finalizing the District's written response to the Department's request for consultation regarding the municipal and rural domestic transfers permit application.

3. If the proposed transfer requires an industrial ground water transfers permit from the Department, pursuant to Neb. Rev. Stat. §46-677, the Board will not take action to approve or deny the transfer permit application until after the issuance of an Order by the Department approving or denying the industrial ground water transfers permit.

4. The withdrawal and/or transfer of ground water for a public water system or for industrial purposes, as identified in the application, shall not occur until the Department has granted a municipal and rural domestic ground water transfers permit or industrial ground water transfer permit and/or the Board has approved the transfer permit application.

5. If the proposed transfer is contingent on the construction of a new well, a well construction permit will not be issued until the Department has granted a municipal and rural domestic ground water transfers permit or an industrial ground water transfers permit and/or the Board has approved the transfer permit application.

V. Intrastate Transfers

1. An intrastate transfer from inside the geographic boundaries of the District to outside the geographic boundaries of the District of the location of a certified ground water use and the associated point of ground water withdrawal from a regulated well does not require a transfer permit; however, such transfer shall be approved by the Board if the recipient natural resources district has approved the transfer and provided written notice to the District of such approval.

VI. Out of State Transfers

1. The Board will not take action to approve or deny an out of state transfer application until after the issuance of an Order by the Department approving or denying a permit to transfer ground water to an adjoining state, pursuant to Neb. Rev. Stat. §46-613.01.

2. The withdrawal and/or transfer of ground water across the state line, as identified in the application, shall not occur until the Department has granted a permit to transfer ground water to an adjoining state and the Board has approved the application.

3. If the proposed transfer is contingent on the construction of a new well, a well construction permit will not be issued until the Department has granted a permit to transfer ground water to an adjoining state and the Board has approved the application.

VII. Wildlife, Environmental or Recreational Transfers

1. The withdrawal of ground water from any water well located in the State of Nebraska, transportation of that water off the overlying land and use of it to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental or recreational benefits is subject to the Qualifications, Application Requirements and Application Process of this Chapter.

2. Pursuant to Neb. Rev. Stat. §46-691.03, a landowner or the person with legal authority to sign for the landowner or entity intending to withdraw ground water from any water well located in the State of Nebraska, transport that water off the overlying land, and use it to

augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental or recreational benefits must apply for an environmental transfer permit (ETP) from the District, on forms provided by the District.

3. The ETP application form must be signed and dated by all landowners, or the person with legal authority to sign for the landowner or entity and must be submitted to the District with the applicable transfer permit application fee.

VIII. Transfer Analysis Results

1. The proposed transfer, as identified in the application, shall be analyzed using the WWUMM to determine if, and to what extent, adverse impacts to other ground water users, surface water appropriators and/or the North Platte River and its tributaries will result from the implementation of the proposed transfer, and what, if any, action can be taken to mitigate the adverse impacts.

2. If the WWUMM analysis of the proposed transfer shows that no adverse impact will result from the implementation of the proposed transfer, the District shall approve the transfer permit application contingent on the completion of the requirements set forth below.

3. If the WWUMM analysis of the proposed transfer shows that an adverse impact will result from the implementation of the proposed transfer and a mitigation action is not available, the District will deny the application and provide all applicants written notification, via certified mail, of such denial within fifteen (15) working days following receipt of the WWUMM analysis report.

4. If the WWUMM analysis of the proposed transfer shows that an adverse impact will result from the implementation of the proposed transfer and a mitigation action is available, the District will, provide all applicants written notification, via certified mail, detailing the available application options and the mitigation action, within fifteen (15) working days following receipt of the WWUMM analysis report. A minimum of one applicant must provide written notification to the District of their desire to either withdraw or proceed with the application within fifteen (15) working days.

IX. Application Hearings

1. Each transfer application that has met the necessary qualification and requirements described throughout this Chapter shall be reviewed and considered at a public hearing before the District Board. All such hearings will be conducted in accordance with the District's procedures governing conduct of informal non-adjudicatory public hearings, unless the applicant requests a formal adjudicatory hearing in writing addressed to the General Manager, in which case the hearing shall be conducted in accordance with the District's procedures governing conduct of formal adjudicatory hearings.

2. At such hearing, the opportunity shall be provided for any public comment on the subject transfer application and any comment provided shall become a part of the hearing record.

3. Any person aggrieved by any order of the Board of Directors of the District issued pursuant to the Nebraska Ground Water Management and Protection Act may appeal the order. The appeal shall be in accordance with the Administrative Procedure Act.

4. The Board may include such reasonable conditions on the proposed withdrawal, transport and use as it deems necessary to carry out the purposes of this section.

X. Approval

1. In determining whether to approve a transfer application, the Board shall consider the following:

- a. Whether the proposed use, if applicable, is a beneficial use of ground water;
- b. Any negative effect of the proposed transfer on ground water supplies needed to meet present or reasonable future demands for water in the area of the proposed transfer to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;
- c. Any negative effect of the proposed transfer on surface water supplies needed to meet present or reasonable future demands for water in the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement; and
- d. Any adverse environmental effect of the proposed transfer of the ground water.
- e. The availability to the applicant of alternative sources of surface water or ground water for the proposed transfer.
- f. The applicant's compliance with these Rules & Regulations 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 may include such reasonable conditions on the proposed transfer as it deems necessary to carry out the purposes this section.

2. The District will provide written notification of the approval or denial of the application to all applicants, via certified mail, within ten (10) working days of the decision by the Board.

3. If an approval notice is received from the District, the applicant must, within fifteen (15) days of receipt, complete and return to the District the necessary forms, provided by the District, for recording the transfer with the respective county register of deeds.

4. If the application has been dismissed or denied, the following provisions, if applicable, shall be implemented:

- a. Any well construction permit associated with the transfer that may have been issued must be cancelled.
- b. Any well constructed for the purpose of the transfer must be decommissioned or modified and equipped to pump fifty (50) gallons per minute or less for purposes of range livestock, monitoring, observation, or any other non-consumptive or de minimis use approved by the District, and the appropriate forms filed with the Department.
- c. If the original certification has been rescinded or the new ground water use has been certified, or are in the process of being completed, the District will take the necessary actions to return the certifications to pre-transfer conditions.

5. After District approval of the application, the District will perform the following tasks, if applicable:

- a. Partial Transfer: the regulated well associated with the original certified ground water use, as identified on the application, must be recertified with the remaining acres from the original certification. The District will prepare the necessary documents to accomplish this and will provide copies to the landowner for completion and signature.
- b. The original certification of a certified ground water use, point of ground water withdrawal from a regulated well, purpose of a certified ground water use, or any combination thereof that has been transferred must be rescinded. The District will prepare the necessary documents to accomplish this.
- c. A new ground water use, point of ground water withdrawal from a regulated well, purpose of a certified ground water use, the addition of a new ground water use to an existing certified ground water use, or any combination thereof resulting from any transfer must be certified. The District will prepare the necessary documents to accomplish this and will provide copies to the landowner for completion and signature.
- d. The District will prepare and obtain written consents from any lienholders identified in the reports of title for the land from which the certified ground water user will be transferred and the land to which the certified ground water use will be transferred.
- e. The District must sign the completed transfer mitigation agreement. The term of the agreement shall be from the agreement execution date to the end of the one hundred eighty (180) day period described below, unless the agreement specifically provides otherwise.

6. After District approval of the application, the applicant must complete the following requirements, if applicable, within one hundred eighty (180) days following the date from which the District approved the application:

- a. Full Transfer: The regulated well, associated with the original certified ground water use or point of ground water withdrawal that has been transferred, as identified on the application, must be decommissioned or modified and equipped to pump fifty (50) gallons per minute or less for purposes of range livestock, monitoring, observation, or any other non-consumptive or de minimis use approved by the District, and the appropriate forms filed with the Department.
- b. Partial Transfer: Once the District has prepared and provided the applicant with the necessary documents for the recertification of the remaining acres in the original certification as described in 4.b. above, the applicant must complete, sign and return these documents to the district for processing.
- c. Once the District has prepared and provided the applicant with the necessary documents for the new certification as described in 4.c. above, the applicant must complete, sign and return these documents to the District for processing.
- d. If the transfer includes a change in the point of ground water withdrawal from a regulated well to a new point of ground water withdrawal that requires the construction of a new well, the new well must be constructed in accordance with Chapter 7 of these Rules & Regulations and registered with the Department prior to certification.
- e. The completed transfer mitigation agreement must be signed by all applicants. The term of the agreement shall be from the agreement execution date to the end of the one hundred eighty (180) day period unless the agreement specifically provides otherwise.
- f. The applicants must pay the amount of the difference between the application fee and the actual cost of the analysis.

7. When the above applicable requirements have been met, a minimum of one applicant shall provide written notification to the District of such completion of the applicable requirements. Notification to the District shall occur prior to the end of the one hundred eighty (180) day period.

8. Failure to provide this notice to the District will result in the application being dismissed by the General Manager. The District will provide written notification of such dismissal, via certified mail, to all applicant within fifteen (15) working days following the dismissal.

CHAPTER 14 – ENFORCEMENT

The Board or the General Manager may, at any time, initiate an investigation for the enforcement of the Nebraska Ground Water Management and Protection Act, the Nebraska Chemigation Act (Acts), or these Rules & Regulations within the jurisdiction of the District. The Board may also order any hearing which it is authorized either by law or inherent power to conduct. The Board may require the attendance of any person at such hearing.

The District has the authority to enforce the provisions of the Acts and all Rules & Regulations adopted pursuant thereto by voluntary compliance, penalties, and/or the issuance of cease and desist orders, in accordance with the Acts and procedures hereinafter specified.

Any noncompliance with the Acts or any provision of these Rules & Regulations shall constitute a violation by which the District may initiate any or all of the below enforcement procedures allowable by law.

I. Complaints

1. A complaint alleging violation of these Rules & Regulations may be filed against a landowner, operator, or both, by any person who owns land, leases land, or resides within the boundaries of the District, by any non-resident person who can show that the actions of any landowner, operator, or both, within the District directly affects them, by the District compliance officer, or by the Board on its own motion.

2. Written complaints may be filed at the District office on complaint forms provided by the District.

II. Inspection

1. District personnel or any authorized agent of the District may enter upon private property, after proper notification and during reasonable hours, to carry out responsibilities and enforcement specified under these Rules & Regulations and the Acts or other current applicable statutes. If consent for any inspection is denied, the District shall apply to the respective district or county court for an inspection warrant to require the alleged violator to allow District personnel entry onto their land in order to carry out District duties under the Acts and these Rules & Regulations and federal or state law.

2. Any designated inspector shall conduct an investigation as soon as possible after a violation is discovered or complaint has been filed with the District. The alleged violator shall be given an opportunity to accompany the inspector during the investigation.

III. Voluntary Compliance

1. Following a complaint, alleged violation and/or inspection, the District may contact the landowner and/or operator by phone, email or letter to discuss the alleged violation of the Acts or these Rules & Regulations. The District, landowner and/or operator may agree to a written or verbal compliance plan to resolve any violation and bring the landowner and/or operator into compliance.

2. If terms of a written or verbal compliance plan cannot be agreed upon, then the District may proceed with the procedures outlined below.

3. If a written or verbal compliance plan is established, but the landowner and/or operator fail to comply with the terms of the compliance plan, the District may proceed with the procedures outlined below.

IV. Violation of the Nebraska Ground Water Management & Protection Act

1. Upon discovery of any act or activities that violate the Nebraska Ground Water Management & Protection Act or any of these Rules & Regulations established pursuant to the Act, the District may issue a cease and desist order to the landowner and/or operator demanding the discontinuance of any activities that are illegal or in violation of the Nebraska Ground Water Management & Protection Act or any of these Rules & Regulations established pursuant to this Act. The cease and desist order shall provide (1) the grounds, in general, of the acts or actions constituting the violation of the Act or these Rules & Regulations, (2) the effective date, no sooner than as required by the Act, by which the act or action constituting the violation must cease, (3) a description, in general, of the act or actions required to be taken to cease the act or actions constituting the violation, and (4) an opportunity to request a hearing with the Board if the landowner and/or operator wish to contest the allegations of violation and/or the imposition of a cease and desist order, which hearing may additionally be held for the purpose of imposing penalties as provided in paragraph 2 below. If a request for a hearing is made by the landowner and/or operator before the effective date of the cease and desist order, the order to cease and desist shall be tolled until a decision is made by the Board.

2. If the landowner and/or operator violates the cease and desist order, the District shall schedule a hearing with the Board in which the Board may (1) direct the District to seek the imposition of any civil penalty or the restraint or enjoinder of the act or actions constituting the violation in any appropriate county or district court of the District, or (2) impose further penalties or controls adopted by the District, including but not limited to one or more of the following: (1) having any allocation or carryforward of water granted by the District reduced, in whole or in part, or (2) having any irrigated acres certified by the District reduced, in whole or in part.

3. The landowner shall be provided notice of the hearing with the Board at least 30 days before the hearing. In addition to contesting any penalties sought to be imposed under the controls adopted by the District, the landowner and/or operator may contest the allegations of violation of the cease and desist order.

4. At any time, including following the hearing with the Board, the District may commence legal proceedings in the respective county against the alleged violator to restrain or enjoin any act or actions in violation of the Act or these Rules & Regulations and may seek civil penalties of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day an intentional violation occurs. Neb. Rev. Stat. §46-745.

5. The District may impose any and all controls provided for in the Act or these Rules & Regulations, including but not limited to one or more of the following: (1) having any allocation or carryforward of water granted by the District reduced, in whole or in part, or (2) having any irrigated acres certified by the District reduced, in whole or in part.

V. Violation of the Nebraska Chemigation Act

1. The District shall notify any landowner and/or operator of any violation of the Nebraska Chemigation Act or any of these Rules & Regulations established pursuant to this Act. The landowner and/or operator shall have ten (10) days to obtain compliance with the Act and these Rules & Regulations. Neb. Rev. Stat. §46-1138.

2. If the alleged violator fails to obtain compliance, the District shall notify the Nebraska Department of Environmental Quality (NDEQ) who shall initiate an investigation. If the results of NDEQ's investigation determine there is a violation of the Act or these Rules & Regulations, the violator's chemigation permit shall be revoked until such time compliance is obtained or an order will be issued suspending operation of the violator's chemigation system until the required permit is obtained. Neb. Rev. Stat. §46-1138.

3. Any holder of an emergency permit or an applicator applying chemicals under an emergency permit who violates the provisions of Neb. Rev. Stat. §46-1119 shall have the emergency permit revoked without a hearing and shall be guilty of a Class II Misdemeanor. Neb. Rev. Stat. §46-1119.

4. The District may apply for a restraining order, a temporary or permanent injunction, or a mandatory injunction against any person who violates or threatens to violate this Act or these Rules & Regulations to the district court of the county where the violation is occurring or is about to occur. Neb. Rev. Stat. §46-1138.

5. If any violation occurs with respect to a permitted system, the District may execute a compliance plan with the violator in lieu of the ten (10) day compliance notice. Neb. Rev. Stat. §46-1138.

6. Any person who engages in chemigation without first obtaining a chemigation permit shall be subject to a civil penalty of one thousand dollars (\$1,000) for each day at each site where a violation occurs for the first violation and not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day at each site where a violation occurs for each subsequent violation or guilty of a Class II misdemeanor. Each day of continued violation shall constitute a separate offense. Neb. Rev. Stat. §46-1139.

7. Any person who engages in chemigation with a suspended or revoked chemigation permit shall be subject to a civil penalty of one thousand dollars (\$1,000) for each day at each site where a violation occurs for the first violation and not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day at each site where a violation occurs for each subsequent violation or guilty of a Class II misdemeanor. Each day of continued violation shall constitute a separate offense. Neb. Rev. Stat. §46-1140.

8. Any person who willfully tampers with or otherwise willfully damages in any way equipment meeting the requirements specified by law shall be subject to a civil penalty of one thousand dollars (\$1,000) for each day at each site where a violation occurs for the first violation and not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day at each site where a violation occurs for each subsequent violation or guilty of a Class

I misdemeanor. Each day of continued violation shall constitute a separate offense. Neb. Rev. Stat. §46-1141.

9. Any permitholder who fails to notify the District and NDEQ of any actual or suspected accident resulting from the use of chemigation shall be subject to a civil penalty of one thousand dollars (\$1,000) for each day at each site where a violation occurs for the first violation and not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day at each site where a violation occurs for each subsequent violation or guilty of a Class III misdemeanor. Each day of continued violation shall constitute a separate offense. Neb. Rev. Stat. §46-1142.

10. Any person who violates any of the provisions of the Nebraska Chemigation Act for which a specific penalty is not provided shall be subject to a civil penalty of one thousand dollars (\$1,000) for each day at each site where a violation occurs for the first violation and not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each day at each site where a violation occurs for each subsequent violation or guilty of a Class IV misdemeanor. Each day of continued violation shall constitute a separate offense. Neb. Rev. Stat. §46-1143.

VI. Hearings

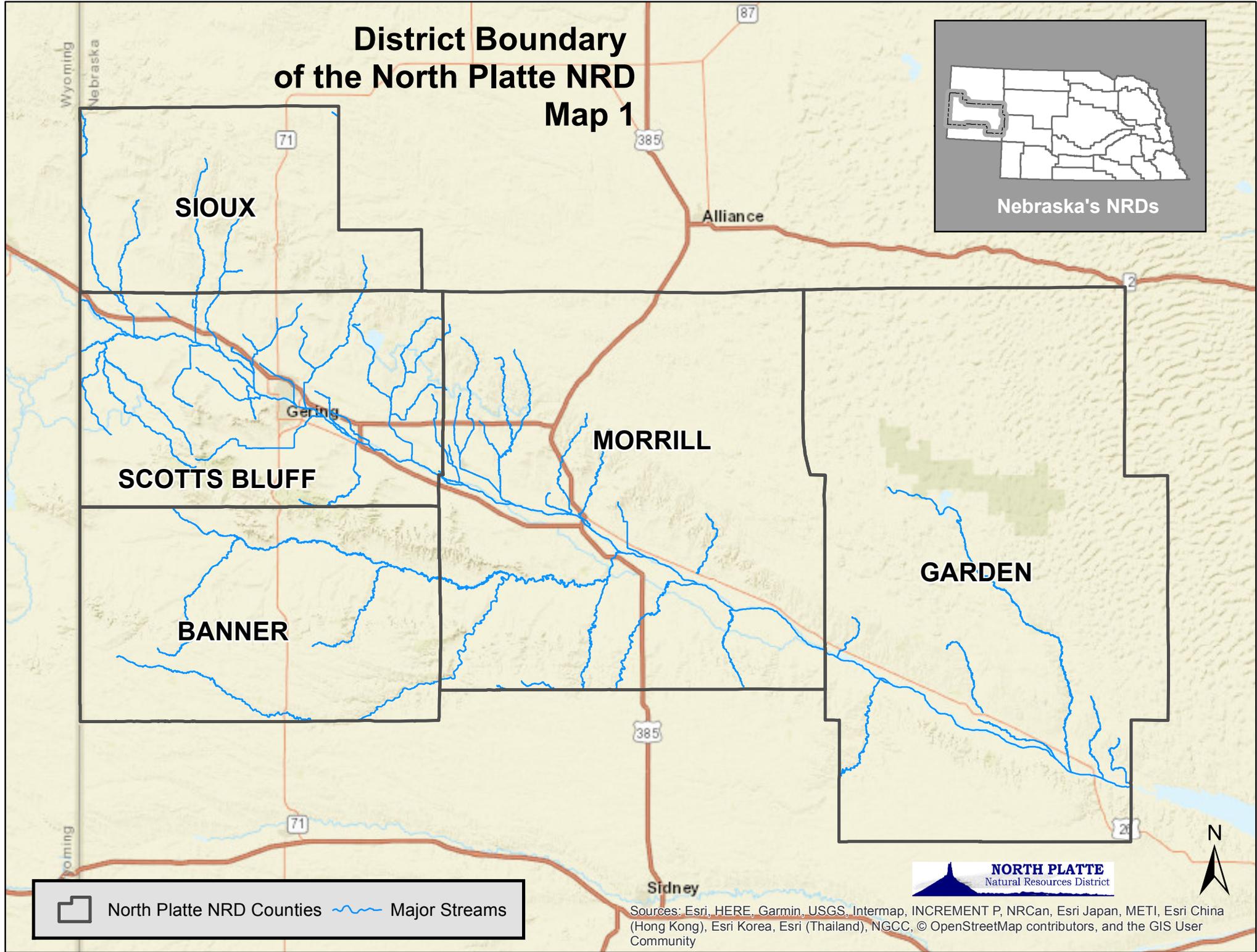
1. All hearings before the Board shall be conducted in accordance with the District's Procedures governing conduct of Informal Non-Adjudicatory Public Hearings, unless a landowner, ground water user or authorized operator requests a formal adjudicatory hearing in writing addressed to the General Manager, in which case shall be conducted in accordance with the District's Procedures governing conduct of Formal Adjudicatory Hearings.

2. Any person aggrieved by any order of the Board of Directors of the District issued pursuant to the Nebraska Ground Water Management and Protection Act may appeal the order. The appeal shall be in accordance with the Administrative Procedure Act.

RECORD OF ADOPTION AND AMENDMENTS

Order No.	Order Date	Effective Date
NPNRD-1	April 11, 1996	July 10, 1996
NPNRD-2	August 14, 1997	September 18, 1997
NPNRD-3	August 19, 1999	October 1, 1999
NPNRD-4	February 15, 2001	March 21, 2001
NPNRD-5	November 14, 2002	December 19, 2002
NPNRD-6	February 12, 2004	March 12, 2004
NPNRD-8	October 14, 2004	November 18, 2004
NPNRD-9	February 9, 2006	March 9, 2006
NPNRD-11	September 14, 2006	October 12, 2006
NPNRD-12	March 8, 2007	April 5, 2007
NPNRD-13	December 13, 2007	January 11, 2008
NPNRD-14	July 10, 2008	August 7, 2008
NPNRD-15	December 11, 2008	January 12, 2009
NPNRD-16	December 11, 2008	January 12, 2009
NPNRD-19	February 25, 2010	March 29, 2010
NPNRD-20	March 8, 2012	April 9, 2012
NPNRD-22	April 11, 2013	May 11, 2013
NPNRD-23	November 13, 2014	December 14, 2014
NPNRD-24	November 13, 2014	December 14, 2014
NPNRD-25	October 13, 2016	November 14, 2016
NPNRD-26		

District Boundary of the North Platte NRD Map 1

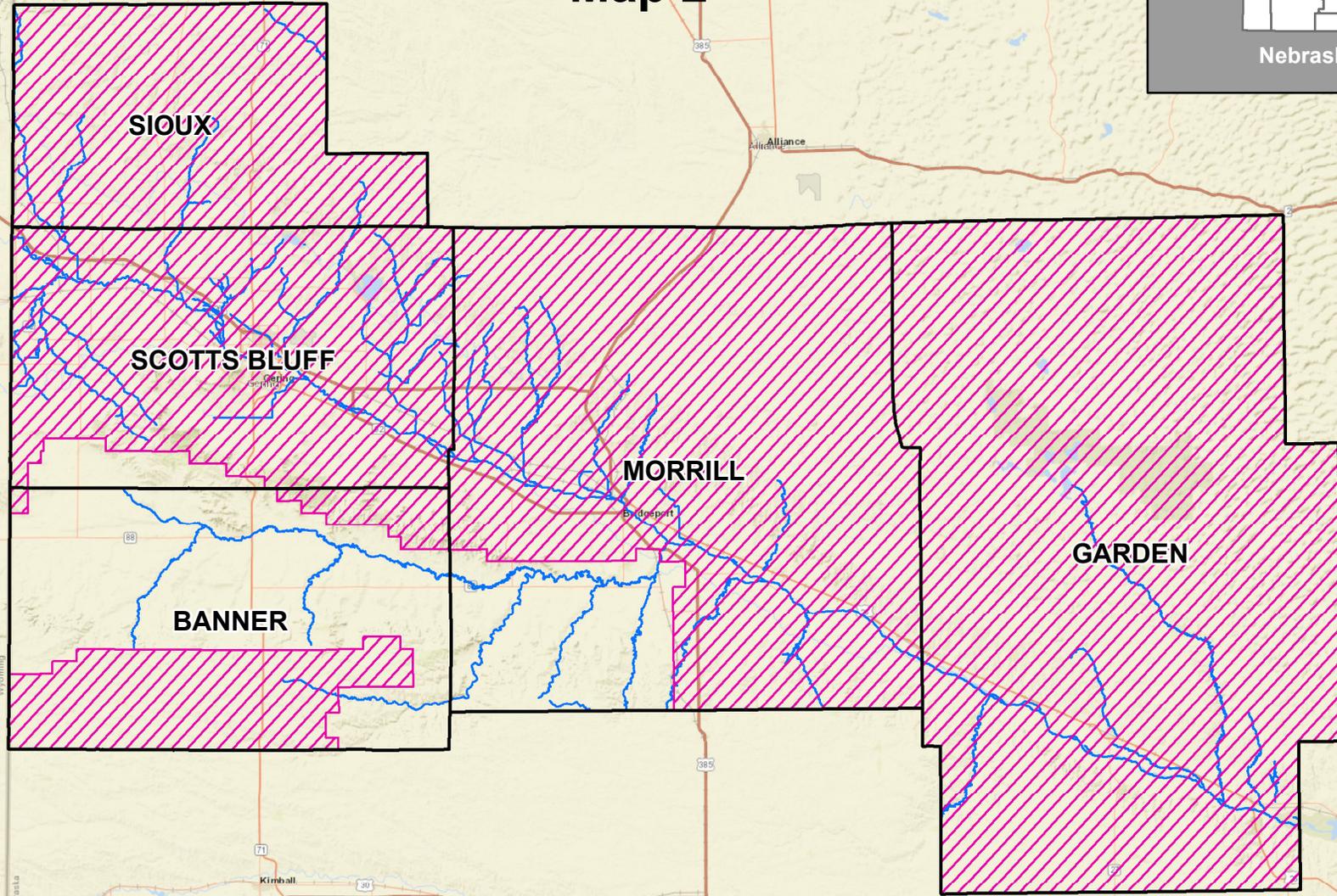
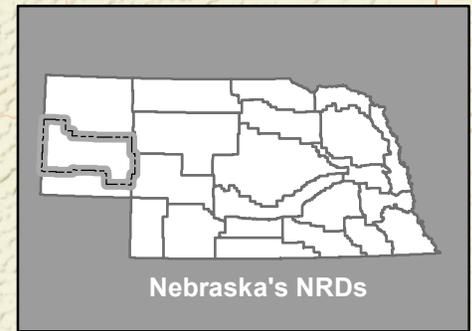


 North Platte NRD Counties  Major Streams



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

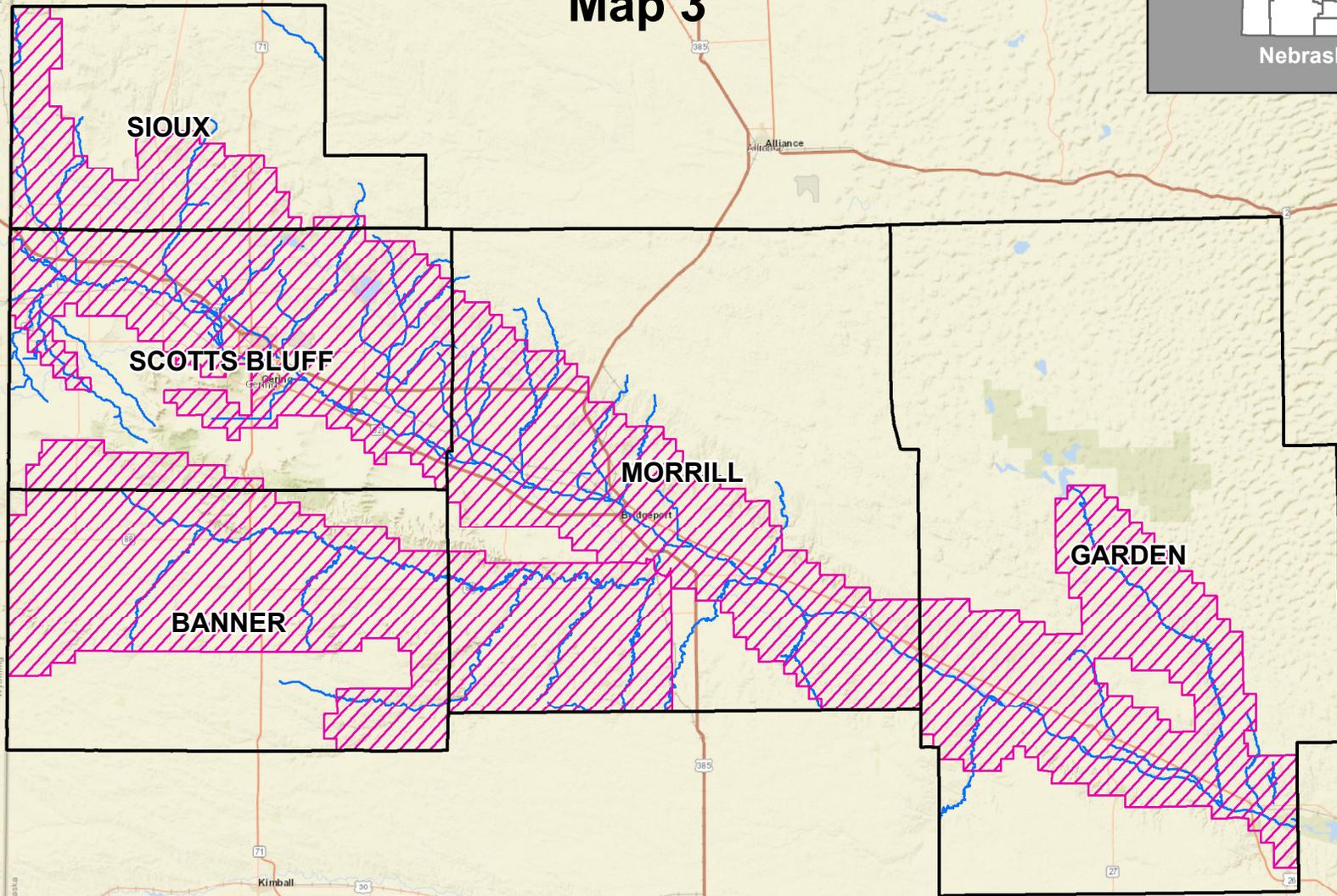
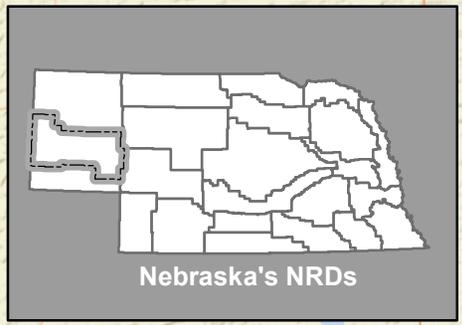
Fully Appropriated Area (FA) in the North Platte NRD Map 2



	FA Boundary		Major Streams
	North Platte NRD Counties		



Overappropriated Area (OA) in the North Platte NRD Map 3



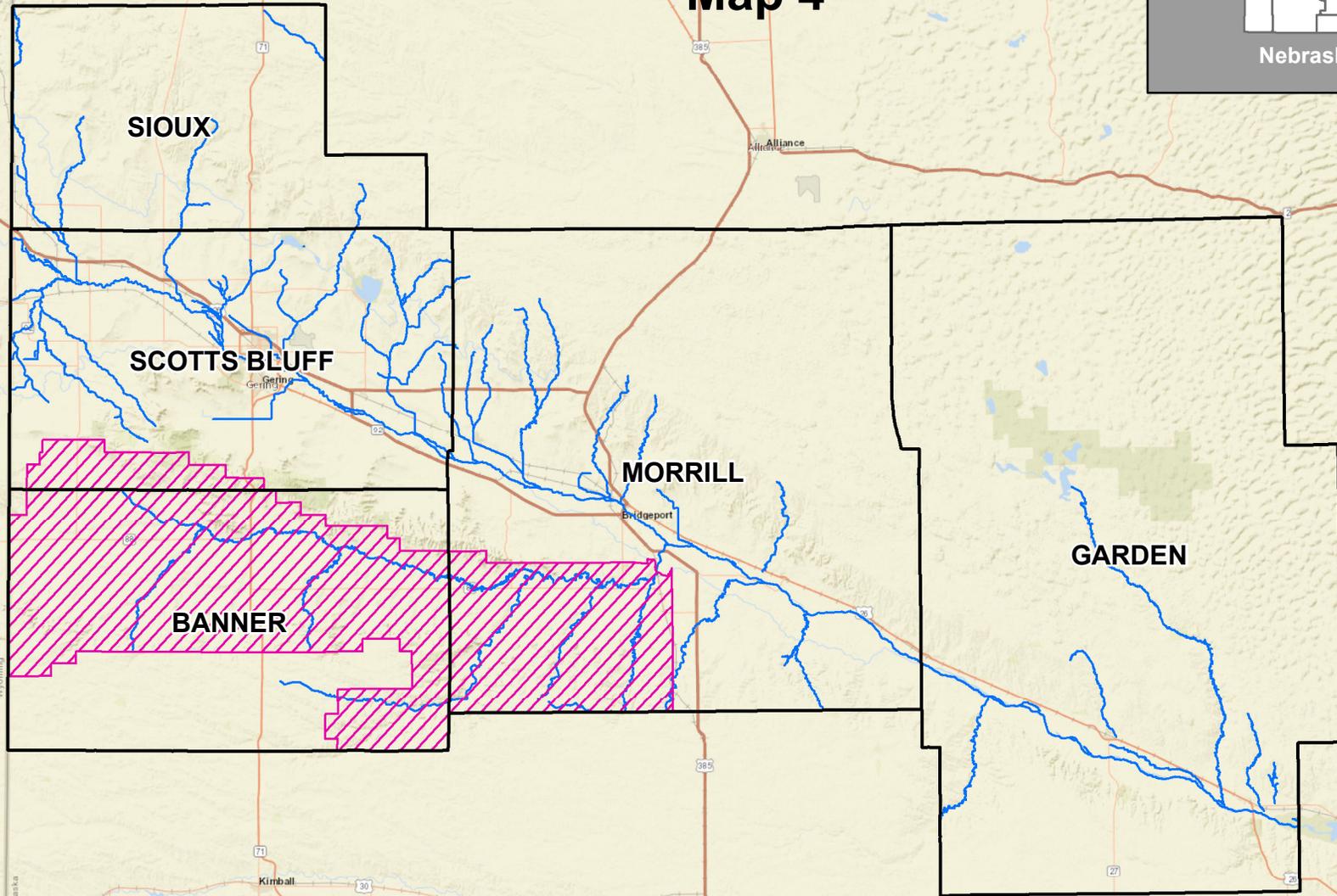
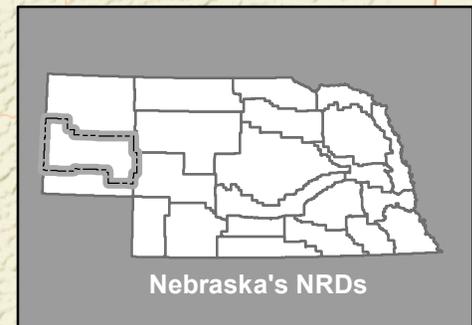
	OA Boundary		Major Streams
	North Platte NRD Counties		



Date: 11/28/2018
Julesburg



Pumpkin Creek (PC) Basin Ground Water Management Sub-Area Map 4



	PC Boundary		Major Streams
	North Platte NRD Counties		

Date: 11/28/2018
Julesburg



Lisco Oshkosh Lewellen Area (LOL) in the North Platte NRD Map 5

