

**NORTH PLATTE NATURAL RESOURCES DISTRICT
PUBLIC HEARING NOTICE**

Pursuant to *Neb. Rev. Stat.* §46-743, notice is hereby given that the North Platte Natural Resources District (District) shall hold a public hearing at 11:00 a.m. MST, or as soon thereafter as possible, on July 18, 2019, at the District office located at 100547 Airport Road, Scottsbluff, Nebraska. The purpose of this public hearing is to receive any testimony concerning the proposed changes to the District Rules & Regulations for the Enforcement of the Nebraska Ground Water Management and Protection Act and the Nebraska Chemigation Act (Rules). The full text of the proposed changes to the Rules is available on the District website, <https://www.npnrd.org>, or copies can be obtained at the District office or by contacting the District at (308) 632- 2749.

The proposed Rules have been reformatted and reorganized in their entirety for ease, readability and understanding. The proposed Rules will apply to the entire area of the District, including the Pumpkin Creek Basin and the Lisco-Oshkosh-Lewellen Subarea, unless specifically stated otherwise in the individual Chapters. The following generally describes the contents of the Rules proposed for adoption:

Authority – These Rules have been prepared in accordance with *Neb. Rev. Stat.* §46-701 to §46-756 and *Nev. Rev. Stat.* §46-1101 to §46-1148.

Purpose – To establish procedures for the management, protection and conservation of ground water.

Goal – To protect and extend the ground water reservoir life.

Applicability – All lands located within the District boundaries.

Mission Statement – Enhance the livelihood of our current and future citizens.

Chapter 1 – Definitions – Provides definitions for certain terms used throughout the Rules. Certain terms have been removed due to lack of reference or applicability and others have been added according to the changes made to the Rules.

Chapter 2 – District Boundaries and Designations – Describes the District boundaries and designations.

Chapter 3 – Variances – Provides the process for applying to the District for a variance and the process of the public hearing required on variance applications.

Chapter 4 – Certifications of Ground Water – Describes the requirement for ground water use certifications and any changes made to certifications. This Chapter also includes the requirements and allowances for severed irrigated acres.

Chapter 5 – Allocations – Outlines the allocations and carryforward allowances for the overappropriated area of the District, except the Pumpkin Creek Basin, as well as the allocation and carryforward allowances for only the Pumpkin Creek Basin. Available water, available water overdraft, special circumstance replacement wells, pre-existing allocation units (PAUs), designated allocation units (DAUs), acres enrolled in a lease or temporary retirement program, acres enrolled under permanent retirement, municipal baselines and non-municipal baselines are addressed in this Chapter. Exemptions, secondary irrigated acres and allocation of livestock operations were removed.

Chapter 6 – Flow Meters and Telemetry Units – Provides for the requirement of flow meters on certain wells and the information regarding the specifications, purchase, installation, ownership, operation, maintenance, repair and replacement of the required flow meters and telemetry units. Additionally, the District's right for access and readings as well as the specific violations of this Chapter are also provided. Flow meters for livestock wells, aquaculture wells and wells serving wildlife certifications are no longer required. Requirements for commingled water being pumped through one system and accounting for ground water use only using a negative meter were added.

Chapter 7 – Well Construction Permits – Provides the requirements and process for applying to the District for a well construction permit. Clarifies that well construction permits are not required for wells that serve feedlots and aquaculture certifications. The District moratorium is explained.

Chapter 8 – Backup Wells & Dewatering Wells – Details requirements for backup wells and dewatering wells within the applicable area of the District. It was clarified that backup wells can only be used for commercial, livestock and aquaculture purposes and that backup wells can now be used in the Pumpkin Creek Basin.

Chapter 9 – Temporary Ground Water Use Permits – Provides the requirements and process for applying to the District for a temporary ground water use permit.

Chapter 10 – Chemigation – Provides the requirements and process for applying to the District for a chemigation permit, details the inspection and equipment requirements, and requirements regarding replacement or alterations of chemigation equipment. Fees for chemigation permits were also adjusted.

Chapter 11 – Nitrogen Application – The District will create ground water quality management sub-areas and will implement and enforce different control levels in those sub-areas for the purpose of nitrogen management. These controls include, but are not limited to, continued education and certification requirements, soil analysis and reporting and restrictions on application of nitrogen.

Chapter 12 – Irrigation Runoff – Prohibits improper runoff and provides for the option to implement measures for effective prevention, control or abatement of runoff.

Chapter 13 – Transfers of Ground Water – Discusses the qualifications, application process, application requirements, requirement for a transfer analysis and the hearing and approval process for a transfer of ground water permit. Procedures were added to provide an option for public comment and hearings on all transfer permits. All transfer permits will be approved by the District Board of Directors. Details regarding Nebraska Department of Natural Resources permits, intrastate transfers, out of state transfers and wildlife, environmental or recreational transfers are also included. Provisional transfer permits were removed. An explanation that reconfiguration applications will not require a transfer permit was added.

Chapter 14 – Enforcement – Provides for the authorities of the District to enforce any violation of the District Rules, how complaints can be filed, the process of inspection and investigation, the process of enforcing violations and the hearing requirements.

Due to the updating, reformatting and numerous changes, additions and revisions, the public is encouraged to review the proposed Rules which are located on our website or available at the District office.

Any interested person may appear at the hearing and present written or oral testimony concerning the proposed Rules. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the District by July 11, 2019. 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 email to jberge@npnrd.org no later than 4:30 p.m. MST on July 17, 2019.

3t, June 27, July 4, July 11, 2019