

DATE: January 18, 2005

TO: Holdrege Daily Citizen  
Minden Courier  
Elwood Bulletin  
Bertrand Harald

FROM: Carie B. Lynch  
Administrative Secretary

RE: LEGAL NOTICE  
Holdrege Daily Citizen - Please publish this by January 21, 2005  
Weekly Papers – Please publish the week of January 27, 2005

Please forward Proof of Publication for the following Notice:

**ORDER**

BEFORE THE TRI-BASIN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS

In the matter of revising rules and regulations for the Integrated Water Management Area (IWMA) and the Districtwide Quantity Groundwater Management Area (QGMA) and Groundwater Quality Management Area (GQMA) of the Tri-Basin Natural Resources District (Tri-Basin NRD, or NRD).

**THE BOARD FINDS THAT:**

1. It is desirable to define criteria for exceptions to the temporary suspensions of well construction and issuance of well permits declared by the State of Nebraska in the Platte River Basin West of the Kearney Canal Diversion in Phelps and Gosper Counties. These temporary suspensions were declared pursuant to the determination by the director of the Nebraska Department of Natural Resources that the Platte Basin West of US Highway 183 is overappropriated, in accordance with NE state statute 46-713.
2. It is desirable to revise existing (as of September 15, 2004) Tri-Basin Natural Resources District Rules and Regulations for Management and Protection of Land and Water Resources to define criteria for exceptions to the temporary suspensions of well construction and issuance of well permits declared by the State of Nebraska in the Platte River Basin West

of the Kearney Canal Diversion in Phelps and Gosper Counties and to make other changes that have been requested by the public, or which are needed to improve administration of these rules. The rules revisions are described below.

**IT IS CONCLUDED THAT:**

1. The Board of Directors, in order to effectively enforce the Nebraska Groundwater Management and Protection Act have determined that it is necessary to revise the Tri-Basin Natural Resources District Rules and Regulations for Management and Protection of Land and Water Resources. Following is the text of the proposed revised controls (changes to the existing rules and regulations are underlined and italicized):

Rule 1.38 (the definition for replacement well) will be revised and expanded as follows:

“Replacement well shall mean:

1) A water well which replaces an existing well that a) will not be used after construction of the new well, and b) will be abandoned within one year after such construction. Owners of replacement wells permitted using definition #1 will be subject to all limitations, regulations or conditions of operation imposed by the district on the well which is to be replaced. Or:

2) A water well may also be considered by the NRD to be a replacement well if it replaces or supplements existing groundwater wells or surface water rights on NRD-certified irrigated lands. The owner of a replacement well permitted by the NRD using definition #2 may be subject to limitations, regulations and operational conditions regarding use of that well that are different from limitations, regulations and conditions of operation imposed by the district on owners of other wells within the district. In the absence of any other limitations, regulations or conditions of operation, the beneficial consumptive use of water resulting from operation of a replacement well permitted under definition #2 shall be no greater than the historic (1988-2002) consumptive use of water from the well or surface water use which it is to replace or supplement.”

Rule 3.3.5 will be removed from the rules and regulations.

The following statement will be added at the end of rule 8.3.2.1 and at the end of rule 8.3.2.2:

“Public water supply wells shall be exempt from the requirements of this rule.”

Current rule 8.5.3 will be replaced by the following statement:

“Procedures for allocating water for industrial and commercial uses within municipalities will be agreed upon by the NRD and affected municipalities. Municipal allocation procedures and amounts will be described in inter-local cooperative agreements that will be approved by both the NRD board of directors and a city council or village board.”

Rule 8.5.3.1 will be removed from the rules and regulations.

Copies of the revised rules and regulations are available during normal business hours at the Tri-Basin NRD Office, 1308 2<sup>nd</sup> St., Holdrege, Nebraska. District residents can also read the complete text of the district rules on the Tri-Basin NRD web site, [www.tribasinnr.org](http://www.tribasinnr.org), or receive a copy by mail by calling the NRD toll-free number, (877) 995-6688.

**IT IS HEREBY ORDERED:**

1. The revised Tri-Basin Natural Resources District Rules and Regulations for Management and Protection of Land and Water Resources shall become effective on February 14, 2005.

Pursuant to the majority vote of the Tri-Basin NRD Board of Directors on January 11, 2005, the revised Tri-Basin Natural Resources District Rules and Regulations for Management and Protection of Land and Water Resources shall become effective February 14, 2005.

For the Tri-Basin Natural Resources District

(Signature on file)

Bradley Lundeen, Chairman  
Tuesday, January 11, 2005