

ORDER

BEFORE THE TRI-BASIN NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS

In the matter of revising Rules and Regulations for Management and Protection of Land and Water Resources (“management rules”) of the Tri-Basin Natural Resources District (Tri-Basin NRD, or NRD). A public hearing was conducted by the Board of Directors of Tri-Basin Natural Resources District on August 10, 2021 at 1:30 PM at the Windmill Event Center in Minden, Nebraska, and all members of the public were allowed to provide oral and/or written testimony regarding the changes to the chemigation rules. Written testimony was received from the Nebraska Department of Natural resources and Nebraska Department of Energy and Environment. Several members of the public also offered oral testimony. After the public hearing the NRD Board of Directors voted to approve the chemigation rules as presented.

THE BOARD FINDS THAT:

It is necessary to revise the Tri-Basin NRD management rules to more effectively protect the quality and quantity of groundwater resources within the district. Following is a summary of revisions to the chemigation rules:

- Revised and simplified Section 2- General Provisions and Procedures for Enforcement and Penalties
- Revised rule 8.2 C. to change the criteria for initiating Phase 3 groundwater management rules in the Little Blue Basin portion of the district.
- Revised rule 8.3 B. to state that a filing will be made with relevant county clerks describing limitations associated with new and conditional replacement well permits.
- Revised rule 8.3 B. iii. To provide for lease or purchase of water use credits to offset new depletions to streamflows associated with operation of new or conditional replacement wells.
- Strike rule 10.3 C. and add rule 10.4 B. and C., which describe procedures for estimating water use by industrial, commercial and non-irrigation agricultural water users for purposes of determining the number of certified irrigated acres that must be converted to a new use to offset depletions to streamflows.
- Add rule 10.8 E., which enables temporary suspension of certification of irrigated land, when such land is temporarily converted to a non-irrigated land use.
- Renumbered and reordered chapters and sections.
- Corrected spelling and punctuation throughout the rules.

IT IS CONCLUDED THAT:

The Board of Directors, in order to more effectively enforce the Nebraska Groundwater Management and Protection Act, have determined that is necessary to revise the Rules and Regulations for Management and Protection of Land and Water Resources of the Tri-Basin Natural Resources District.

Copies of the revised rules and regulations are available during normal business hours at the Tri-Basin NRD Office, 1723 Burlington St., Holdrege, Nebraska. District residents can also read the complete text of the district rules on the Tri-Basin NRD web site, www.tribasinnrd.org, or receive a copy by mail by calling the NRD toll-free number, (877) 995-6688.

IT IS HEREBY ORDERED:

Pursuant to approval of a motion by a majority vote of the Tri-Basin NRD Board of Directors on August 10, 2021, directing that these rules be implemented and that this order be published in accordance with the requirements of Nebraska Revised Statute 46-744, the aforesaid rules shall become effective October 1, 2021.

For the Tri-Basin Natural Resources District

Bradley Lundeen, Chairman
Tuesday, August 10, 2021