

DATE: October 3, 2012

TO: Holdrege Daily Citizen

FROM: Carie B. Lynch  
Administrative Secretary

RE: LEGAL NOTICE - Please publish this on three consecutive dates and provide Proof of Publication:

Monday, October 8, 2012

Monday, October 15, 2012

Monday, October 22, 2012

**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), 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:**

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

- Removed the term “Alluvial Well”, added definitions for the terms “Allocation” (1.3), “Dewatering Well” (1.16), “Irrigation Season” (Rule 1.35), revised the definitions of “Conditional Replacement Well” (Rule 1.12), “Eligible Well” (wells required to have flowmeters, Rule 1.19) to include industrial, commercial and environmental wells and made minor revisions to a number of other terms. Definitions of domestic, agricultural, commercial and industrial water use have been moved from Section Four to Section One. Defined terms are also now capitalized when used within in the rules.
- Added language to allow the NRD board to reduce the phase level of a Township, or portion thereof, that is regulated under phase 2 or phase 3 for groundwater quality management, if nitrate levels decline (Rule 3.2.2).
- Redefined intervals of required water sampling frequency for landowners and operators in Phase 2 and Phase 3 Groundwater Quality Management Areas (Rule 3.4.2 and 3.4.2.1).
- Added several references to “interconnected series of wells”, primarily in the definition of “Water Well” (Rule 1.52) and in Section Eight.

- Added dates when moratoria were established on development of new irrigated acres (rules 9.3.1 through 9.3.3). A deadline date (April 1, 2013, rule 9.3.4) for certification of commercial and industrial water uses is also added.
- Added language to rule 9.6 (rule on water banking) to enable the district to accept funds to construct augmentation wellfields, lease surface water rights or engage in other activities that provide offsets for streamflow depletions resulting from new or expanded water uses.
- Added a new rule (9.7) that enables the board to establish a streamflow depletion offset credit leasing program.
- Require landowners to pay three year's worth of back property taxes if they request a correction to increase their certified irrigated acres (Rule 10.2.2.1).
- Enable landowners to convert livestock feedlots or confinements to certified irrigated land when they are partially or entirely decommissioned (Rule 10.2.2.2).
- Require landowners to set aside certified irrigated acres in an amount that offsets consumptive use associated with development of new feedlots or expansion of existing feedlots (rule 10.2.2.3).
- Added a rule specifying that NRD staff will do "spot check" reviews of certified irrigated land and, if staff determine that land no longer qualifies as certified irrigated land, due to land use changes or not having access to an irrigation water source, that the board should de-certify those acres, unless the acres are transferred before January 1 of the year after such determination (Rule 10.2.4).
- Added rules for certification of non-irrigation agricultural (livestock), industrial, commercial and environmental water uses (Rules 10.3, 10.4 and sub-sections).
- Enable landowners to submit title insurance policies in place of title searches when applying for certified irrigated acre transfers, but require that either document be produced no earlier than 90 days prior to a landowner applying for a transfer (Rule 10.5).
- Enable landowners to transfer certified irrigated acres from a commingled irrigated parcel to a groundwater-only irrigated parcel, only to the extent that the originating parcel contains more certified irrigated acres than surface water right acres (Rule 10.5.7).
- Require NRD board approval to enable landowners to apply for certified irrigated acre transfers of fewer than three acres (Rule 10.5.9).
- Require an NRD Board of Directors Planning Committee review and recommendation for all transfers of certified acres onto highly erodible land (Rule 10.5.10).
- Added details to the rules regarding how to complete a certified acre transfer (Rule 10.6). These changes include a rule that would limit irrigation with any certified irrigated acres to one parcel per irrigation season (Rule 10.6.1), and a rule that describes how allocations associated with certified irrigated acres located within a Phase 3 groundwater quantity management area will be transferred (Rule 10.7).

- Inserted the term “federal” in several places in Section 11 (“Severability and Supremacy of State Law”) of these rules.

**IT IS CONCLUDED THAT:**

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

Copies of the revised rules and regulations are available during normal business hours at the Tri-Basin NRD Office, 1723 N. Burlington 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 October 29, 2012.

Pursuant to the majority vote of the Tri-Basin NRD Board of Directors on September 11, 2012, the revised Tri-Basin Natural Resources District Rules and Regulations for Management and Protection of Land and Water Resources shall become effective October 29, 2012.

For the Tri-Basin Natural Resources District

David Nickel, Chairman  
Tuesday, September 11, 2012