Application for Grant Funding from the Water Sustainability Fund
Submitted to the Nebraska Natural Resources Commission

North Platte Natural Resources District

Scottsbluff, Nebraska

December 2015

NEBRASKA NATURAL RESOURCES COMMISSION

Water Sustainability Fund

Application for Funding

Section A.

ADMINISTRATIVE

PROJECT NAME: Groundwater irrigation retirement program

PRIMARY CONTACT INFORMATION

Entity Name: North Platte Natural Resources District

Contact Name: John Berge, General Manager

Address: 100547 Airport Road, P O Box 280, Scottsbluff, NE 69363-0280

Phone: 308-632-2749

Email: jberge@npnrd.org

Partners / Co-sponsors, if any: n/a

1. Dollar amounts requested: (Grant, Loan, or Combination)

   Grant amount requested. $ 600,000

   Loan amount requested. $ 0

   If Loan, how many years repayment period? n/a

   If Loan, supply a complete year-by-year repayment schedule.
   n/a

2. Permits Needed - Attach copy for each obtained (N/A = not applicable)

Nebraska Game & Parks Commission (G&P) consultation on Threatened and Endangered Species and their Habitat	N/A☒	Obtained: YES☐	NO☐
Surface Water Right	N/A☒	Obtained: YES☐	NO☐

USACE (e.g., 404 Permit)	N/A☒	Obtained: YES☐	NO☐
Cultural Resources Evaluation	N/A☒	Obtained: YES☐	NO☐
Other (provide explanation below) Click here to enter text.	N/A☒	Obtained: YES☐	NO☐

3. Are you applying for funding for a combined sewer over-flow project?

   YES☐ NO☒

   If yes, do you have a Long Term Control Plan that is currently approved by the Nebraska Department of Environmental Quality?

   YES☐ NO☒

   If yes attach a copy to your application. n/a

   If yes what is the population served by your project? n/a

   If yes provide a demonstration of need. n/a

   If yes and you were approved for funding in the most recent funding cycle, then resubmit the above information updated annually but you need not complete the remainder of the application.

4. If you are or are representing an NRD, do you have an Integrated Management Plan in place, or have you initiated one?

   N/A☐ YES☒ NO☐

5. Has this application previously been submitted for funding assistance from the Water Sustainability Fund and not been funded?

   YES☐ NO☒

   If yes, have any changes been made to the application in comparison to the previously submitted application? n/a

   If yes, describe the changes that have been made since the last application. n/a

   No, I certify the application is a true and exact copy of the previously submitted and scored application. (Signature required) n/a

6. Complete the following if your project has or will commence prior to next July 1st.

As of the date of submittal of this application, what is the Total Net Local Share of Expenses incurred for which you are asking cost share assistance from this fund? $ n/a

Attach all substantiating documentation such as invoices, cancelled checks etc. along with an itemized statement for these expenses. n/a

Estimate the Total Net Local Share of Expenses and a description of each you will incur between the date of submittal of this application and next July 1st for which you are asking cost share assistance from this fund.

Seven landowners, with a total of 716 acres, have already contacted the District for potential groundwater retirement agreements yet this fiscal year. The District would likely not fund all of these acres without assurance of Water Sustainability Fund dollars, but the District may choose to expend some portion of the FY16 $400,000 matching funds discussed in the attached narrative to secure groundwater retirement on one or more of the parcels currently under analysis. The largest of these parcels is 250 acres, which would equate to a total contract value of $937,500, paid in ten equal installments of $93,750.

Section B.

DNR DIRECTOR'S FINDINGS

Does your project include physical construction (defined as moving dirt, directing water, physically constructing something, or installing equipment)?

YES☐ NO☒

1(a). If yes (structural), submit a feasibility report (to comply with Title 261, CH 2) including engineering and technical data and the following information:

A discussion of the plan of development (004.01 A);
n/a

A description of all field investigations made to substantiate the feasibility report (004.01 B); n/a

Maps, drawings, charts, tables, etc., used as a basis for the feasibility report (004.01 C); n/a

A description of any necessary water and land rights and pertinent water supply and water quality information, if appropriate (004.01 D);
n/a

A discussion of each component of the final plan including, when applicable (004.01 E);

Required geologic investigation (004.01 E 1); n/a

Required hydrologic data (004.01 E 2); n/a

Design criteria for final design including, but not limited to, soil mechanics, hydraulic, hydrologic, structural, embankments and foundation criteria (004.01 E 3). n/a

1(b). If no (non-structural), submit data necessary to establish technical feasibility including, but not limited to the following (004.02):

A discussion of the plan of development (004.02 A);
See Section 2, "Project Description," of attached narrative.

A description of field or research investigations utilized to substantiate the project conception (004.02 B); See Section 2, "Project Description," and Appendix C of attached narrative.

A description of the necessary water and/or land rights, if applicable (004.02 C); n/a

A discussion of the anticipated effects, if any, of the project upon the development and/or operation of existing or envisioned structural measures including a brief description of any such measure (004.02 D). n/a

2. Provide evidence that there are no known means of accomplishing the same purpose or purposes more economically, by describing the next best alternative. If the District chose, the District could abandon incentive-based programs for reducing consumptive use and simply rely on regulatory authority to reduce consumptive use permanently and reach integrated-management goals. For example, the District could drop allocations to well below their current 14- and 12-inch levels in the respective management areas. This decrease would likely generate a large amount of streamflow returns to the North Platte River, but it would come at the expense of severe economic hardship for the District's agriculture-based economy. The District believes that using a combination of regulations and incentives, including irrigation retirements, best preserves the health and economic welfare of the District while still allowing the District to meet its integrated-management obligations.

3. Document all sources and report all costs and benefit data using current data, (commodity prices, recreation benefit prices, and wildlife prices as prescribed by the Director) using both dollar values and other units of measurement when appropriate (environmental, social, cultural, data improvement, etc.). The period of analysis for economic feasibility studies shall be fifty (50) years or with prior approval of the Director, up to one hundred (100) years [T261 CH 2 (005)].

   - Describe any relevant cost information including, but not limited to the engineering and inspection costs, capital construction costs, annual operation and maintenance costs, and replacement costs. Cost information shall also include the estimated construction period as well as the estimated project life (005.01). See Section 3, "Economic Analysis," of attached narrative.
   - Only primary tangible benefits may be counted in providing the monetary benefit information and shall be displayed by year for the project life. In a multi-purpose project, estimate benefits for each purpose, by year, for the life of the project. Describe any intangible or secondary benefits separately. In a case where there is no generally accepted method for calculation of primary tangible benefits describe how the project will increase water sustainability, such that the economic feasibility of the project can be approved by the Director and the Commission (005.02). See attached narrative.

- All benefit and cost data shall be presented in a table form to indicate the annual cash flow for the life of the proposal, not to exceed 100 years (005.03). See attached narrative and Appendix D.
- In the case of projects for which there is no generally accepted method for calculation of primary tangible benefits and if the project will increase water sustainability, the economic feasibility of such proposal shall be demonstrated by such method as the Director and the Commission deem appropriate (005.04). See attached narrative.

4. Provide evidence that sufficient funds are available to complete the proposal. See Appendix D of attached narrative.

5. Provide evidence that sufficient annual revenue is available to repay the reimbursable costs and to cover OM&R (operate, maintain, and replace). See Appendix D of attached narrative.

6. If a loan is involved, provide sufficient documentation to prove that the loan can be repaid during the repayment life of the proposal.
n/a

7. Describe how the plan of development minimizes impacts on the natural environment.

Because the District's project is non-structural, the environment will not be impacted at all by a structural footprint or construction activities. The District's standard retirement agreement contract language, as shown in attached Appendix B, includes requirements that landowners continue to manage their lands to prevent erosion and excess sediment loss. The District requires that landowners continue to engage in sound resource- and land-management practices, even though groundwater irrigation has ceased, so that all applicable statutes and rules are followed, and so that no secondary negative impact arises from the groundwater retirement. Impacts to the North Platte River are overwhelmingly positive, because groundwater retired from irrigation use eventually becomes streamflow in the river, thus increasing the total supply available for downstream threatened and endangered species, in accordance with the goals of the Platte River Recovery Implementation Program.

8. Explain how you are qualified, responsible and legally capable of carrying out the project for which you are seeking funds.

The North Platte NRD has statutory responsibility for groundwater quantity management and for integrated management of the overappropriated area. The District is the only entity in the area with specific water-management goals to reach, and the District has dedicated funds this fiscal year toward the retirement of groundwater irrigation for the purpose of meeting those goals. The District possesses both the technical, financial, and legal capability to identify successful management strategies and implement them for the benefit of the District's citizens as a whole.

9. Explain how your project considers plans and programs of the state and resources development plans of the political subdivisions of the state.

The reduction of groundwater consumptive use and the offsetting of streamflow depletions to the North Platte River form core components of both the Platte River Basinwide Integrated Management Plan and the joint District integrated management plan, both developed in cooperation with DNR. The basinwide plan specifically includes objectives intended to keep Nebraska in compliance with the Platte River Recovery Implementation Program, and the District's individual integrated management plan provides the mechanisms for meeting those objectives. The District's groundwater-retirement program specifically implements the goals of the basinwide plan and the Program, both of which are state-level concerns.

10. Are land rights necessary to complete your project?

YES☐ NO☒

If yes, provide a complete listing of all lands involved in the project.
n/a

If yes, attach proof of ownership for each easements, rights-of-way and fee title currently held.
n/a

If yes, provide assurance that you can hold or can acquire title to all lands not currently held.
n/a

11. Identify how you possess all necessary authority to undertake or participate in the project. The North Platte NRD has statutory responsibility for groundwater quantity management and for integrated management of the overappropriated area. The District possesses taxing authority to generate funding for this and all other District expenditures.

12. Identify the probable environmental and ecological consequences that may result as the result of the project. Streamflow in the North Platte River will increase through the proposed groundwater retirement, which will provide additional flows downstream for species habitat. In the case of landowners who convert their irrigated acres to wildlife habitat, additional ecological benefits may arise from the conversion to a use other than irrigated cropland.

Section C.

NRC SCORING

In the NRC's scoring process, points will be given to each project in ranking the projects, with the total number of points determining the final project ranking list.

The following 15 criteria constitute the items for which points will be assigned. Point assignments will be 0, 2, 4, or 6 for items 1 through 8; and 0, 1, 2, or 3 for items 9 through 15. Two additional points will be awarded to projects which address issues determined by the NRC to be the result of a federal mandate.

Notes:

- The responses to one criterion ***will not*** be considered in the scoring of other criteria. Repeat references as needed to support documentation in each criterion as appropriate. The 15 categories are specified by statute and will be used to create scoring matrixes which will ultimately determine which projects receive funding.

- There is a total of 69 possible points, plus two bonus points. The potential number of points awarded for each criteria are noted in parenthesis. Once points are assigned, they will be added to determine a final score. The scores will determine ranking.

- The Commission recommends providing the requested information and the requests are not intended to limit the information an applicant may provide. An applicant should include additional information that is believed will assist the Commission in understanding a proposal so that it can be awarded the points to which it is entitled.

Complete any of the following (15) criteria which apply to your project. Your response will be reviewed and scored by the NRC. Place an N/A (not applicable) in any that do not apply, an N/A will automatically be placed in any response fields left blank.

1. Remediates or mitigates threats to drinking water;

   - Describe the specific threats to drinking water the project will address.
   - Identify whose drinking water, how many people are affected, how will project remediate or mitigate.
   - Provide a history of issues and tried solutions.
   - Provide detail regarding long range impacts if issues are not resolved.

   n/a

2. Meets the goals and objectives of an approved integrated management plan or ground water management plan;

   - Identify the specific plan that is being referenced including date, who issued it and whether it is an IMP or GW management plan.
   - Provide the history of work completed to achieve the goals of this plan.
   - List which goals and objectives of the management plan the project provides benefits for and how the project provides those benefits.

   See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

3. Contributes to water sustainability goals by increasing aquifer recharge, reducing aquifer depletion, or increasing streamflow;

   List the following information that is applicable:

   - The location, area and amount of recharge;
   - The location, area and amount that aquifer depletion will be reduced;
   - The reach, amount and timing of increased streamflow. Describe how the project will meet these objectives and what the source of the water is;
   - Provide a detailed listing of cross basin benefits, if any.

   See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

4. Contributes to multiple water supply goals, including, but not limited to, flood control, agricultural use, municipal and industrial uses, recreational benefits, wildlife habitat, conservation of water resources, and preservation of water resources;

   - List the goals the project provides benefits.
   - Describe how the project will provide these benefits
   - Provide a long range forecast of the expected benefits this project could have versus continuing on current path.

   See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

5. Maximizes the beneficial use of Nebraska's water resources for the benefit of the state's residents;

   - Describe how the project will maximize the increased beneficial use of Nebraska's water resources.
   - Describe the beneficial uses that will be reduced, if any.
   - Describe how the project provides a beneficial impact to the state's residents.

   See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

6. Is cost-effective;

   - List the estimated construction costs, O/M costs, land and water acquisition costs, alternative options, value of benefits gained.
   - Compare these costs to other methods of achieving the same benefits.
   - List the costs of the project.
   - Describe how it is a cost effective project or alternative.

See Section 4, "Fund Goals and Evaluation Criteria," and Appendix D of attached narrative.

7. Helps the state meet its obligations under interstate compacts, decrees, or other state contracts or agreements or federal law;

   - Identify the interstate compact, decree, state contract or agreement or federal law.
   - Describe how the project will help the state meet its obligations under compacts, decrees, state contracts or agreements or federal law.
   - Describe current deficiencies and document how the project will reduce deficiencies.

See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

8. Reduces threats to property damage or protects critical infrastructure that consists of the physical assets, systems, and networks vital to the state or the Untied States such that their incapacitation would have a debilitating effect on public security or public health and safety;

   - Identify the property that the project is intended to reduce threats to.
   - Describe and quantify reductions in threats to critical infrastructure provided by the project and how the infrastructure is vital to Nebraska or the United States.
   - Identify the potential value of cost savings resulting from completion of the project.
   - Describe the benefits for public security, public health and safety.

   n/a

9. Improves water quality;

   - Describe what quality issue(s) is/are to be improved.
   - Describe and quantify how the project improves water quality, what is the target area, what is the population or acreage receiving benefits, what is the usage of the water: residential, industrial, agriculture or recreational.
   - Describe other possible solutions to remedy this issue.

- Describe the history of the water quality issue including previous attempts to remedy the problem and the results obtained.

n/a

10. Has utilized all available funding resources of the local jurisdiction to support the program, project, or activity;

- Identify the local jurisdiction that supports the project.
- List current property tax levy, valuations, or other sources of revenue for the sponsoring entity.
- List other funding sources for the project.

See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

11. Has a local jurisdiction with plans in place that support sustainable water use;

- List the local jurisdiction and identify specific plans being referenced that are in place to support sustainable water use.
- Provide the history of work completed to achieve the goals of these plans.
- List which goals and objectives this project will provide benefits for and how this project supports or contributes to those plans.
- Describe and quantify how the project supports sustainable water use, what is the target area, what is the population or acreage receiving benefits, what is the usage of the water: residential, industrial, agriculture or recreational.
- List all stakeholders involved in project.
- Identify who benefits from this project.

See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

12. Addresses a statewide problem or issue;

- List the issues or problems addressed by the project and why they should be considered statewide.
- Describe how the project will address each issue and/or problem.
- Describe the total number of people and/or total number of acres that would receive benefits.
- Identify the benefit, to the state, this project would provide.

See Section 4, "Fund Goals and Evaluation Criteria," of attached narrative.

13. Contributes to the state's ability to leverage state dollars with local or federal government partners or other partners to maximize the use of its resources;

- List other funding sources or other partners, and the amount each will contribute, in a funding matrix.

- Describe how each source of funding is made available if the project is funded.
- Provide a copy or evidence of each commitment, for each separate source, of match dollars and funding partners.
- Describe how you will proceed if other funding sources do not come through.

n/a

14. Contributes to watershed health and function;

- Describe how the project will contribute to watershed health and function in detail and list all of the watersheds affected.

n/a

15. Uses objectives described in the annual report and plan of work for the state water planning and review process issued by the department.

- Identify the date of the Annual Report utilized.
- List any and all objectives of the Annual Report intended to be met by the project
- Explain how the project meets each objective.

n/a

16. Federal Mandate Bonus. If you believe that your project is designed to meet the requirements of a federal mandate which furthers the goals of the WSF, then:

- Describe the federal mandate.
- Provide documentary evidence of the federal mandate.
- Describe how the project meets the requirements of the federal mandate.
- Describe the relationship between the federal mandate and how the project furthers the goals of water sustainability.

n/a

Section D.

PROJECT DESCRIPTION

1. Overview

In 1,000 characters *or less*, provide a brief description of your project including the nature and purpose of the project and objectives of the project.

This grant application requests a total of $600,000 in matching funds from the Water Sustainability Fund to retire groundwater irrigation on 1,000 acres in the overappropriated area of the North Platte Natural Resources District, including both the North Platte River portion and the Pumpkin Creek Groundwater Management Area. The District seeks with this funding request to embark on a concentrated program of retiring groundwater irrigation, expanding its retired-acre portfolio by 1,000 acres and extending groundwater retirement opportunities to all of the overappropriated area. This program will recruit acres supplied only with groundwater; commingled lands will not be considered for irrigation retirement. Broadly speaking, the District may realize as much as 700 acre-feet of additional streamflow in this phase of the program.

2. Project Tasks and Timeline

Identify what activities will be conducted by the project. For multiyear projects please list what activities are to be completed each year.

2015: "feasibility"-level groundwater model analysis and title work on identified parcels; 2016-2017: execute agreements with landowners; report to DNR on finalized agreements; 2016-2021: payments to landowners under executed agreements; 2016-2065: compliance field inspections by District staff

3. Partnerships

Identify the roles and responsibilities of agencies and groups involved in the proposed project regardless of whether each is an additional funding source. List any other sources of funding that have been approached for project support and that have officially turned you down. Attach the rejection letter.

n/a

4. Other Sources of Funding

Identify the costs of the entire project, what costs each other source of funding will be applied to, and whether each of these other sources of funding is confirmed. If not, please identify those entities and list the date when confirmation is expected. Explain how you will implement the project if these sources are not obtained.

The total cost of this phase of the groundwater-retirement program (1,000 acres) is $3,750,000. Cost for the first two years, if successfully funded through the Water Sustainability Fund, will be $1.5 million ($600,000 from WSF and $900,000 from NRD). If WSF funding is not successful, the District will implement a scaled-back version of the program, targeting perhaps only a few hundred acres in this phase, rather than 1,000 acres, so as to fit within District budgeting constraints.

5. Support/Opposition

Discuss both support and opposition to the project, including the group or interest each represents.

See attached letter of support from Don Kraus, on behalf of the Central Nebraska Public Power and Irrigation District (Appendix E).

TABLE OF CONTENTS

1. INTRODUCTION

1.1 Purpose

This grant application requests a total of $600,000 in matching funds from the Water Sustainability Fund to retire groundwater irrigation on 1,000 acres in the overappropriated area of the North Platte Natural Resources District, including both the North Platte River portion and the Pumpkin Creek Groundwater Management Area.

1.2 Introduction

The North Platte Natural Resources District (NRD or District), located in the Nebraska panhandle, is comprised of Scotts Bluff, Banner, Morrill, Garden, and southern Sioux Counties (Appendix A, Map 1). The North Platte NRD is one of twenty-three NRDs in the state, whose statutory duties include groundwater quantity and quality management, flood control, and soil conservation. The District manages groundwater quantity in three specific areas, the Pumpkin Creek Basin (PCB), the overappropriated area of the North Platte River (OA), and the fully appropriated area (FA; Appendix A, Map 2). The fully appropriated and overappropriated designations were made by order of the Department of Natural Resources (DNR) in 2004, but the District began groundwater quantity management in the Pumpkin Creek Basin (Appendix A, Map 3)—which was included along with the North Platte River valley (Appendix A, Map 4) in the 2004 overappropriated designation—in 2001 with a moratorium on new well construction. As a result of the DNR designations, the District and DNR jointly developed an integrated management plan for the District itself and, along with the other NRDs in the Platte River basin, a basinwide integrated management plan. Both plans were adopted and went into effect in 2009.

Under Chapter 6, Goals I.A.1 and I.A.2.a and the associated objectives of the current integrated management plan (Appendix B), the District must offset a total of 8,000 acre-feet of historical groundwater depletions by 2019. The District believes that the most powerful tool for reducing groundwater consumptive use is to retire permanently some uses of groundwater for irrigation in the areas which will provide the quickest response to the North Platte River. Groundwater that is not pumped for irrigation remains in the ground, where it flows back to the river to become a part of total streamflow; this is the component of streamflow for which the NRD is directly responsible under its integrated management plan and which the District wants to maximize through its water-management actions.

In addition to its integrated-management obligations, the District must also manage groundwater quantity and quality to ensure the health, safety, and welfare of its present and future citizens. To that end, the District also works to reduce groundwater consumptive use in areas that may have smaller, slower impacts on North Platte River streamflow but that have limited aquifer supplies available for human uses. The retirement of groundwater irrigation in

these areas, such as the Pumpkin Creek basin, thus promotes water sustainability for the benefit of those local citizens, as well as integrated-management goals for the District as a whole.

Currently, the District engages in a number of regulatory and voluntary management actions to promote reductions in groundwater consumptive use and increase returns of groundwater to streamflow. For example, the District has allocated groundwater irrigation use in the OA and PCB to encourage deficit irrigation of ordinarily high-water-use crops (Appendix B). In addition, the District will be launching two new incentive programs in 2016 aimed at those landowners who are willing to retire a portion of their irrigation use temporarily, but who do not want to enter permanent irrigation retirement contracts. The District also encourages producers to explore the short- and long-term conservation programs available through the U.S. Department of Agriculture's Natural Resources Conservation Service and Farm Services Agency. These federal programs have proven particularly useful in retiring the irrigation use from lands in PCB, as well as the OA.

1.2.1 Regional geology and hydrology

The NRD is underlain by the Tertiary Ogallala, Brule, and Arikaree formations, and by Quaternary colluvium, found as hillslope deposits, and alluvium associated with major stream channels. Not all of these formations produce fresh water, but some, notably the Quarternary alluvial aquifer in the North Platte River valley, may locally produce water in large quantities. The principal aquifer in the North Platte valley portion of the overappropriated area consists of unconsolidated sand and gravel deposited by the North Platte River and its tributaries. This alluvial aquifer recharges readily through precipitation and field seepage from excess application of irrigation water, but recharge depends greatly on the system of surface water irrigation canals and laterals that distribute water across the irrigated lands in and around the North Platte River valley. Total recharge rates in the alluvium average 7 inches per acre per year from all sources (e.g., precipitation, canal seepage).

Because of the high degree of hydrologic connection between the alluvium and the river itself, management of groundwater consumptive use in the OA results directly in enhanced river flows over relatively short time scales. Consequently, the District has primarily concentrated its water quantity management efforts in this area to meet its integrated management goals. Appendix A, Map 5 shows the categorization of the lands in the District according to the percentage of depletion, averaged across each unit, that groundwater wells constructed in these areas cause to the North Platte River over fifty years. Wells constructed in the alluvial aquifer and very close to the river will deplete up to 100% of the amount of water pumped in fifty years; in contrast, wells located in thinner parts of the alluvium or farther from the river may, for example, deplete only 85% of the amount pumped over fifty years. The District has delineated these zones using its Western Water Use Management Model (WWUM) and uses the average depletion percentages calculated for each zone to determine where District-incentivized

groundwater reductions will produce the greatest benefit in terms of streamflow realized in the river.

In contrast to the North Platte River, the narrow, relatively thin alluvium of the Pumpkin Creek basin does not provide a significant water supply. Instead, many water wells in this portion of the District are constructed in the Brule Formation, which yields water through fractures in the rock, or in the deeper Ogallala. Recharge to these bedrock aquifers is very slow (0.34 inch/year); except for the very east end of the PCB, the aquifer is less closely hydrologically connected to the North Platte River (Appendix A, Map 5), meaning that water wells in PCB deplete less from the North Platte River over time than do wells in the OA. As a result of PCB's specific hydrologic characteristics, water-quantity management efforts in the PCB focus more heavily on the maintenance of the aquifer for current and future uses in the basin, rather than direct returns of streamflow to the North Platte River.

1.2.2 Land use

Crop cultivation and livestock-raising dominate the District's economy. Of the approximately one million acres of total land area in the OA, 31% is irrigated cropland, 4% is dryland, and 65% is rangeland (Appendix A). Map 6 (Appendix A) shows the land-use distribution across the OA. A total of 2,261 wells have been constructed in the OA, of which 1,516 are irrigation wells. These irrigation wells serve 176,994 certified groundwater irrigated acres. Principal irrigated crops raised in the OA include alfalfa, corn, and dry beans (Appendix A). In Pumpkin Creek, 6% of the basin's approximately 479,000 total acres is irrigated cropland, 22% is dryland crops, and 72% is rangeland (Appendix A, Map 7). Principal irrigated crops raised in the PCB include alfalfa, corn, dry beans, and small grains (Appendix A). Approximately 39,526 acres are certified for groundwater irrigation in the PCB, served by 545 registered irrigation wells; a total of 772 wells, including District monitoring wells, are located in the management area. Table 1.1 shows the distribution of certified groundwater irrigated acres by county and management area in the District.

Table 1.1: Distribution of groundwater irrigated acres in the North Platte NRD.

Management Area	County					Total
	Banner	Garden	Morrill	Scotts Bluff	Sioux	
OA	0	28,258.10	54,451.62	70,807.92	23,476.81	176,994.45
PCB	20,210.31	0	18,412.11	903.40	0	39,525.82
Total	20,210.31	28,258.10	72,863.73	71,711.32	23,476.81	216,520.27*

*Note: This includes both groundwater-only and commingled (surface water and groundwater) lands.

Figure 1.1 shows how the relative proportions of irrigated and dryland crop acres have changed in both management areas since the mid-1950s.

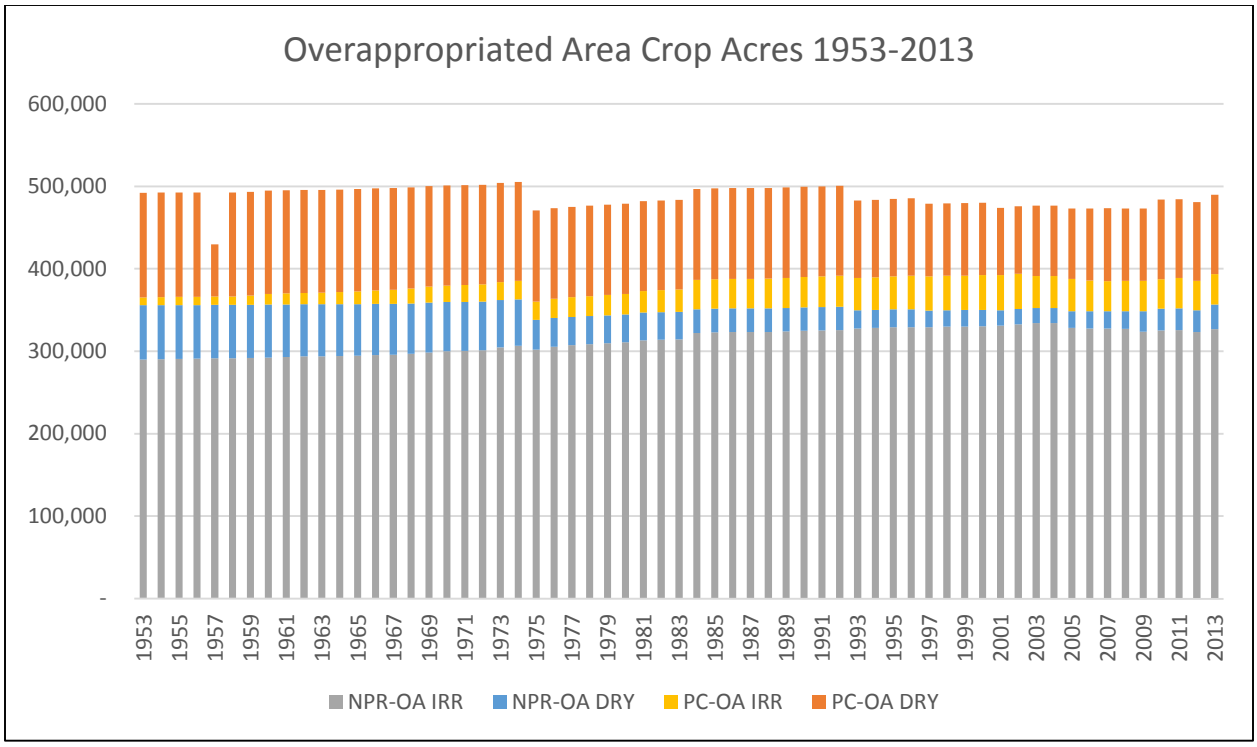


Figure 1.1: Changes in proportion of irrigated and dryland crop acres for the OA and PCB management areas.

The irrigated crops raised in the District range in net irrigation requirement from 10 inches/acre for dry beans, to 14 inches/acre for corn, to approximately 28 inches/acre for alfalfa. The District has instituted groundwater irrigation allocations to bring water use to at or below the consumptive-use requirements for these crops, which results in more groundwater being left in the ground instead of being withdrawn. The allocation has been set at fourteen inches per acre per year in the OA and twelve inches per acre per year in the PCB; the allocation period for both areas is five years (Appendix B, rules and regulations).

2. PROJECT DESCRIPTION

The District seeks with this funding request to embark on a concentrated program of retiring groundwater irrigation, expanding its retired-acre portfolio by 1,000 acres and extending groundwater retirement opportunities to PCB, as well as the OA. This program will recruit acres supplied only with groundwater; commingled lands will not be considered for irrigation retirement, though they may be eligible for other District programs.

In addition to temporary District and federal-program retirements that have enrolled approximately 7,700 acres since 2001, the District has already permanently retired the groundwater use on 1,319.7 acres in the OA in the past two years, working with willing landowners who convert their irrigated lands to dryland crop, pasture, or other land uses in exchange for financial compensation. In order to reach the District's goal of returning 8,000 acre-feet of streamflow to the North Platte River by 2019 (Appendix B, integrated management plan), the District must retire groundwater use on additional irrigated acres in the areas of the OA with the highest depletion percentages—at least 95% (Appendix A, Map 5)—to derive the maximum benefit to streamflow. Broadly speaking, the District may realize as much as 700 acre-feet of additional streamflow from the OA portion in this phase of the retirement program (assuming 14 inches per acre retired on 817 OA acres, at 75% irrigation efficiency and 95% or greater depletion).

Because the District has heretofore targeted its acreage-retirement efforts in the OA so as to address integrated-management goals, the District has, thus far, not included acres in the Pumpkin Creek basin for permanent-retirement consideration. Several thousand irrigated acres in the PCB have, however, been enrolled in short- and long-term federal programs that require irrigation to cease for the duration of program enrollment. The District recognizes that, in order to fulfill its water-management duties in the PCB and provide for the long-term sustainability of the aquifer resources, the District must also target for permanent retirement groundwater irrigated acres in this management area, which will decrease demands on an aquifer with limited supplied and which may also provide some benefit to North Platte River streamflow over time.

Groundwater irrigated acres are not distributed evenly across the District or across each management area. Table 2.1 shows the percent of irrigated acres located in each county, relative to the total irrigated acres in both management areas.

Table 2.1: Distribution of certified groundwater irrigated acres by county and management area in the North Platte NRD.

Management area	Total groundwater acres	Percent of total	Percent of total groundwater acres				
			Banner	Garden	Morrill	Scotts Bluff	Sioux
Overappropriated Area	176,994.45	81.7	0	13.1	25.1	32.7	10.8
Pumpkin Creek Basin	39,525.82	18.3	9.3	0	8.5	0.5	0
Total	216,520.27	100	9.3	13.1	33.6	33.2	10.8

Using these percentages, the District will spread the 1,000 acres targeted for this phase of the permanent-retirement program across the NRD (Table 2.2), so that no one county or management area absorbs all of the potential impact of such a degree of land-use change.

Table 2.2: Proportional projected target acres, by county, out of 1,000 total program acres

Management area	Percent of total	Number of target acres (out of 1,000 total acres)				
		Banner	Garden	Morrill	Scotts Bluff	Sioux
Overappropriated Area	81.7	0	131	251	327	108
Pumpkin Creek Basin	18.3	93	0	85	5	0
Total		93	131	336	332	108

Through the District's regular public outreach activities, such as radio announcements, press releases, and postcards, the District will advertise to landowners the start of this retirement program, including information on number of acres sought in each county and sign-up details for interested producers. If, in any given county, the total number of acres successfully retired under the program does not meet the quantity shown in Table 2.2, then those remaining acres may be sought in other counties in which additional acres may be available to the District.

For each parcel of land identified for potential groundwater retirement, the District will conduct a groundwater modeling analysis using the WWUM Model to determine the streamflow benefit to be derived from groundwater retirement at that location, measured over fifty years. A sample analysis from an existing District groundwater retirement, conducted on behalf of the District by Adaptive Resources, Inc., may be found in Appendix C. The District will also conduct a title search on the identified parcel to ensure that all landowners are included in the negotiation process. Both of these steps may be viewed as similar to a feasibility study-level of project development for an infrastructure project. District staff negotiate with all landowners and draft the terms of the retirement agreement. Landowners retain full property ownership rights on the retired lands and may conduct any activities on the lands, so long as no groundwater is

applied for irrigation. A sample permanent retirement agreement, recently executed by the District, is located in Appendix C. Following execution of the agreement, District staff regularly inspect retired parcels to verify that no irrigation is occurring.

Because the groundwater-retirement program requires no infrastructure to implement and applies only to groundwater-irrigated acres, the District is not required to obtain any permits or other authorization from outside agencies to execute agreements with willing landowners. Any forms needed to change District or DNR records regarding the groundwater use must be filed by the landowner following execution of the agreement. The NRD's integrated management plan requires the District to report to DNR each year the total number of acres retired and the anticipated amount of streamflow that will be realized from the retired groundwater uses. The District will include in future such reports all acres permanently retired under this program and a measure of the progress toward reaching the 1,000-acre goal in this phase. If successfully funded for this phase through the Water Sustainability Fund, the District will also report to the Commission as needed to describe progress toward program and integrated-management goals.

3. ECONOMIC ANALYSIS

This section discusses costs and benefits to the District itself of implementing this program, as well as broader potential financial consequences to other jurisdictions within the District. This section also includes information on how the District will expend funds under the irrigation-retirement program.

3.1 Funding calculation and District cost/benefit

This application requests a grant of $600,000 from the Water Sustainability Fund, for which the NRD will provide matching funds of $400,000 in this fiscal year and $500,000 in the next fiscal year (FY17), for a program total of $1.5 million. The District will roll out this first 1,000-acre phase of the irrigation retirement program over two years (2016 and 2017), but the NRD asks that the total requested funds be allocated and obligated to the District in the first year of implementation (2016).

For the agreements executed under the irrigation-retirement program, the District will continue its existing rate calculation of $3,750 per acre of retired irrigation and will pay out the contracts over five years. The District structures prices for this irrigation water according to (1) the difference between irrigated-land and dryland market valuations and (2) amount and timing of return flows to the North Platte River from the elimination of irrigation on those acres. In the Pumpkin Creek basin, the District will also weigh the effects on the local aquifer from retirement of a given irrigation use to rank parcels according to the greatest benefit that will be derived from the retirement. According to information supplied by a local real estate firm (Appendix D), the average sale price per irrigated acre across the District is $4,660, and average dryland prices in this area are $700 per acre. The District's price of $3,750 per acre is, thus, slightly less than the mathematical difference between average current sales prices and is on the low end of recent farm sales prices.

At the $3,750/acre rate, the $1.5 million budgeted for these first two years ($600,000 from the Fund and $900,000 NRD match) will cover the first two years of payment installments on the 1,000 total acres targeted in this phase. Appendix D includes a copy of the District's fiscal year 2016 (FY16) budget. Line 19 (page 2) shows the total operating expenses budgeted for this fiscal year. This quantity already includes some funds for executing retirement agreements, but it also includes funds earmarked for expenditures the District will not make in FY16. The District will redirect $400,000 of these unexpended funds toward the irrigation-retirement program in this fiscal year. The District will budget $500,000 toward this program in FY17, and subsequent budget years will also include funds to pay the remaining installments on the agreements executed under this and other District retirements, the magnitude of which the District will calculate to ensure that the NRD meets all of its financial obligations. In addition to

these redirected FY16 funds, the District anticipates receiving reimbursement for other existing projects approved for matching funding through the Platte Basin Coalition. These reimbursement dollars, when received, may also be redirected to the irrigation-retirement program, so that the money can continue to be used to meet the District's integrated-management goals.

The District will pay out the total value of retirement agreements executed under the program in ten equal biannual installments over five years. The five-year payout allows the District to leverage its funds toward retirements over multiple fiscal years. The five-year window is sufficiently short that future potential decreases in property tax valuations and, hence, District tax revenue will not leave the District unable to meet the contract payments. Table 3.1 shows an example payment schedule under this program, assuming a parcel size of 100 acres.

Table 3.1: Sample payout schedule under District irrigation-retirement program, assuming 100-acre parcel, five-year payout, and January 2016 signup.

Payment date	Payment amount	Payment date	Payment amount
January 2016	$37,500	January 2019	$37,500
July 2016	$37,500	July 2019	$37,500
January 2017	$37,500	January 2020	$37,500
July 2017	$37,500	July 2020	$37,500
January 2018	$37,500		
July 2018	$37,500		

If funds are granted, the first two years' installments under executed contracts will be paid out of the combined Water Sustainability Fund and NRD matching funds. Subsequent years will be paid out of District funds.

Table D-1 and Figure D-1 (Appendix D) shows how the District amortizes the total retirement-agreement cost per acre over five years to leverage District funds each year toward retiring new acres each year of the program, even as the acres retired in the first year are still being paid out. Note that the total cost of each agreement shown in Table D-1 includes the costs of feasibility-level work and of compliance inspections (Appendix D, Cash Flow Worksheet). Although cost per acre-foot of water returned to the North Platte River initially appears high, the cost diminishes considerably over time as benefits continue through the analyzed fifty-year planning horizon. Streamflow benefits do not stop at the fifth year, however, but continue to accrue to the river over decades; the District's "feasibility" analysis calculates potential streamflow benefits out to fifty years (Table D-1). These longer-term streamflow benefits continue to be realized at no additional cost to the District, apart from annual compliance inspections, once agreement payments are completed.

In addition to matching cash funds for agreements, the District also incurs in-kind costs associated with researching, negotiating, and implementing groundwater irrigation retirement agreements; note that these in-kind costs are *not* part of the money requested from the Water Sustainability Fund. These costs are outlined in the Cash Flow Worksheet located in Appendix D. The District pays out of existing operating funds the costs of each groundwater modeling analysis, conducted by Adaptive Resources, Inc. at a rate of $1,600 per analysis, that is used to determine the amount of streamflow benefit that will accrue from the retirement of irrigation on a given parcel of land. The District also pays the costs of NRD legal counsel, as a rate of $180 per hour, for legal services rendered in the course of agreement development. The District itself contributes staff time and resources toward mapping retired parcels, implementing any assistance a landowner may need to convert a parcel to dryland or pasture, and conducting compliance checks of the retired parcels.

3.2 Economic impact to other jurisdictions

County tax assessors value irrigated cropland at a much higher rate than dryland or pasture land. When a parcel of land enters the District's irrigation-retirement program, the taxable valuation drops to 20% to 40% of the irrigated valuation in the counties across the District (Appendix D, Table D-2). Grassland valuation drops to 14% to 25% of irrigated cropland valuation. For example, Garden County assesses at 69% of market rate. Changing a 100-acre parcel from irrigated to dryland or pasture would drop Garden County's tax receipts from nearly $29 per irrigated acre to $11 per dryland acre or only $4 for a grassland acre.

The District recognizes that decreases of 75% to 85% in taxable valuation on a parcel result in decreased property tax receipts for counties dependent on tax revenue to fund roads and schools. As a result, the District will distribute the locations of the 1,000 acres enrolled in the irrigation-retirement program across all counties in the District (Table 2.2), so that the burden of decreased tax revenues will not fall in only one area.

The District also realizes, however, that the economic consequences of failing to meet integrated-management obligations and of failing to conserve and protect the District's aquifer supplies could far exceed the counties' ability to recover revenues, regardless of the tax rate. Consequently, the District relies on irrigation retirements for some, but not all, of the management actions needed to generate the streamflow required by the integrated management plan. District producers have continued to raise successful crops under the groundwater allocations the District has implemented, and the District encourages producers to innovate on their lands, so that they need less water to operate but can still continue to farm. These innovations also mean that the District will not be forced to rely solely on irrigation retirements to meet its integrated-management goals. Consequently, the economic viability of the District and its communities will persist on more solid footing, regardless of the irrigation retirements the District pursues.

4. FUND GOALS AND EVALUATION CRITERIA

4.1 Water Sustainability Fund goals

The North Platte NRD's groundwater retirement program meets Water Sustainability Fund goals 1, 3, and 8, as listed in 261 *Nebraska Admin. Code* 1.001.01. Specifically,

1. The retirement of groundwater irrigation uses in zones of more than 95% depletion to the North Platte River in fifty years will keep that groundwater in the ground, where it will continue to form part of the aquifer supply and eventually flow back to the river to become part of streamflow. In the Pumpkin Creek basin, retirement of groundwater use will decrease pressure on an aquifer system with limited supply and very slow recharge, thereby reducing depletion of the bedrock aquifer by reducing demands. Some of this water will also flow back to the North Platte River over time to become streamflow. (Goal 1)

2. The goals and objectives of the District's integrated management plan require that the District implement measures to offset groundwater depletions and return 8,000 acre-feet of water to the North Platte River by 2019. The retirement of groundwater irrigation directly addresses groundwater depletions by decreasing the amount of groundwater withdrawn from high-depletion aquifer zones, making this water available to become streamflow in the North Platte River. (Goal 3)

3. The return of streamflow to the North Platte River, specifically to address depletions from groundwater uses initiated after July 1, 1997, complies with the goals and expectations of the Platte River Recovery Implementation Program to increase streamflow in the North Platte River for the benefit of threatened and endangered species. The retirement of irrigation on 1,000 acres will provide additional streamflow to the river to offset these historic depletions and ensure that the North Platte NRD continues to manage groundwater in compliance with the Program, an interstate agreement. (Goal 8)

The District's groundwater-acre retirement program best fits into category 3 (conjunctive management, storage and integrated management of groundwater and surface water), described in 261 *Nebraska Admin. Code* 1.001.02.

4.2 Evaluation criteria (261 NAC 3.001.01)

The retirement of groundwater use on 1,000 irrigated acres in the North Platte NRD ranks competitively under the Commission's application ranking criteria, as the following discussion shows.

1. Retiring groundwater uses fits directly into the District's integrated-management goals and objectives. Chapter 6, Goals I.A.1 and I.A.2.a and the associated objectives of the District's integrated management plan requires the District to implement programs that will reduce groundwater consumptive use and offset depletions to streamflow in the North Platte River that groundwater use has caused (Appendix B). Currently, the District engages in a number of regulatory and voluntary management actions to promote reductions in groundwater consumptive use and increase returns of groundwater to streamflow. For example, the District has allocated groundwater irrigation use in the OA and PCB to encourage deficit irrigation of ordinarily high-water-use crops. In addition, the District will be launching two new incentive programs in 2016 aimed at those landowners who are willing to retire a portion of their irrigation use temporarily, but who do not want to enter permanent irrigation retirement contracts. The District also encourages producers to explore the conservation programs available through the U.S. Department of Agriculture's Natural Resources Conservation Service and Farm Services Agency. Irrigated-acre retirements in the high-depletion zones of the OA will result in direct increases in streamflow, as more groundwater is left in the ground, rather than consumed, and allowed to flow back to the river. Moreover, targeted reductions in groundwater consumptive use in select areas, for the purpose of increasing streamflow, means that the District will be less likely to employ more drastic, across-the-board reductions of groundwater use in order to continue to meet its integrated-management goals and objectives. This program readily complements the suite of existing and planned management options available to the NRD for offsetting depletions and meeting its streamflow targets. (Criteria list 1, Item 2)

2. As stated above, the retirement of groundwater irrigation, particularly in high-depletion zones adjacent to the North Platte River (Appendix A, Map 5), will decrease ongoing groundwater depletions from these irrigation uses and will make that previously-used groundwater available to become streamflow in the river. Broadly speaking, the District may realize as much as 700 acre-feet of additional streamflow from the OA portion in this phase of the retirement program (assuming 14 inches per acre retired on 817 acres, at 95% or greater depletion). In addition to this important benefit, irrigated-acre retirements in the PCB will have the added benefit of reducing depletions to a limited-supply aquifer system. Reducing these demand stresses promotes a longer-term sustainability of water supplies in the PCB management area and ensures that future generations will have a water supply available to them. (Criteria list 1, Item 3)

3. Permanent retirement of groundwater irrigation uses in the Pumpkin Creek basin, at the limited level allocated under this program, will both preserve that basin's limited aquifer supplies and allow other existing agricultural uses in the basin to continue, subject to

District allocations on irrigation use. Landowners who sign agreements with the District will retain full ownership rights in their lands, and they may choose to develop property for recreational, wildlife, or dryland agricultural uses, so long as groundwater is not consumed for such purposes. These secondary benefits provide other potential sources of income for the landowners and, in a broader sense, contribute positively toward the quality of life for all residents in the District. The District provides cost-share and other assistance for implementing some of these changes, but the District does not derive primary benefit from new uses on the groundwater-retired lands. (Criteria list 1, Item 4)

4. Under the groundwater-retirement program, the District pays participating landowners to forego their groundwater irrigation entirely. In the case of the OA, this water eventually flows back to the North Platte River to become streamflow, where it may be diverted subsequently by a surface water user and eventually flow downstream to Lake McConaughy. In the case of the PCB, that groundwater remains in the aquifer for future users, though some will eventually also make its way to the North Platte River. In both cases, the beneficial use of groundwater is locally reduced so that overall beneficial uses of both surface water and groundwater—in the District and downstream in the remainder of the basin—can continue. (Criteria list 1, Item 5)

5. The District's irrigation retirement program provides a cost-effective way to reduce aquifer depletion and increase streamflow in the North Platte River, important integrated-management goals. The District pays fair market value for the groundwater being retired, based on the difference between irrigated and dryland agricultural land values, typically $3,750 per acre paid out over five years. This level of District investment makes the program attractive to landowners while still setting fiscally responsible rates of payment for retirements. Initial costs in the first year of agreement implementation are high, but because the District pays retirement agreements out over a five-year period, the cost per acre-foot of water returned to the river drops considerably over the payout period and even further when viewed over the fifty-year period of streamflow gain analyzed as part of the pre-agreement "feasibility" research. Coupled with other District programs that pair with temporary federal irrigation-retirement contracts to take advantage of those outside resources, the District's permanent retirement program successfully leverages District funds to reduce groundwater depletions where these reductions will be most effective in meeting District goals. The District employs irrigation retirements as one of its management tools, along with allocations and other incentive programs, to reduce overall consumptive uses in the District without mandating steep, across-the-board cuts in water use to meet integrated-management obligations. The District considers that voluntary retirements on the proposed scale will allow the District to continue to meet its

goals but will not induce undue hardship on the District's producers and economy. (Criteria list 1, Item 6)

6. Returning 8,000 acre-feet of streamflow to the North Platte River by 2019, as required by the District's integrated management plan, will ensure that the state as a whole will continue to comply with the Nebraska New Depletions Plan and the streamflow goals of the Platte River Recovery Implementation Plan (Appendix B, integrated management plan Chapter 6, Goal I.A.2.a. and Objectives I.B.4). The District's groundwater-irrigation retirement program will contribute directly toward that 8,000-acre-foot goal by eliminating 1,000 acres of groundwater irrigation use. The groundwater no longer used for irrigation will remain in the aquifer and, over time, will flow back to the North Platte river to become streamflow. This increased streamflow thus becomes part of the basin supply measured by the Program in its efforts to restore endangered species downstream of the District. (Criteria list 1, Item 7)

7. The District will provide a $400,000 match this fiscal year (see "Economic Analysis" section) from redirected expenses toward this permanent groundwater retirement program and a $500,000 match in FY17; District funds allocated in this fiscal year for existing permanent retirement agreements have already been expended. These match dollars come in addition to other existing District resources which have been allocated for temporary irrigation retirement programs, producer incentive programs, and federal-contract paired programs that are all aimed at reducing groundwater consumptive use in the District and increasing the amount of groundwater that returns to the North Platte River as streamflow. The matching funds do not include the District's in-kind costs for feasibility studies and compliance inspections, which the District incurs for each negotiated agreement. This match also provides new funds toward groundwater retirements in Pumpkin Creek, a management area not historically targeted specifically in District programs, though PCB landowners are eligible to participate in any of the abovementioned initiatives. (Criteria list 2, Item 2)

8. The North Platte Natural Resources District is one of twenty-three NRDs in the state with statutory authority to manage groundwater quantity and quality. The District and DNR jointly manage groundwater and surface water in the overappropriated area through the integrated management plan and the basinwide integrated management plan. In addition, the District manages groundwater quantity in the Pumpkin Creek basin for the purpose of maintaining the limited aquifer supplies in that area, so that the PCB can continue to be a viable part of the District's social and economic fabric into the future. The District utilizes a variety of management tools, including temporary-retirement incentives,

allocations, and on-farm innovation cost-share, to reduce groundwater consumptive use in the District and meet water-management goals. (Criteria list 2, Item 3)

9. Declining streamflows and decreasing aquifer supplies are a statewide issue. The degree to which the state's economy relies on the ability to continue irrigated agriculture demands that the supplies on which that irrigation relies be conserved and managed for current and future uses. By retiring some—but not all—groundwater irrigation uses in high-depletion areas, the District ensures that those supplies will still be available for future generations. Groundwater remains in the ground and flows back to the river, where it becomes part of the overall basin supply available for downstream uses. Such downstream uses include water for endangered species being monitored by the Platte River Recovery Implementation Program, an interstate agreement. Nebraska's continued compliance with Program goals means that the state, as a whole, will not face potential federal-level legal, financial, or policy outcomes that would affect how the state's residents use and manage water in the Platte River basin. In the Pumpkin Creek basin, these retirements will decrease pressure on limited aquifer supplies, allowing the basin's existing economic viability to continue. (Criteria list 2, Item 4)

This District's groundwater-irrigation retirement program fits well with the goals and objectives of the Water Sustainability Fund and amply meets important scoring criteria for the Fund's allocation of money for sustainability projects.

5. CONCLUSION

The North Platte Natural Resources District considers that the permanent retirement of groundwater irrigation on select parcels of land will aid the District in meeting its integrated-management and local groundwater-management obligations. This application requests $600,000 in matching grant funds from the Water Sustainability Fund to implement the District's permanent irrigation retirement program. This program, with its initial goal of retiring 1,000 groundwater irrigated acres in the District's critical management areas, will provide benefits to streamflow and local aquifers over the short and long term. In the North Platte River valley portion of the District's overappropriated area, retiring groundwater irrigation on lands with high depletion rates (> 95%) will result in more groundwater left in the alluvial aquifer, where it will then be available to flow toward the river and become part of the total streamflow. On such lands, over 95% of the groundwater formerly pumped will be realized as streamflow within fifty years, contributing significantly toward the District's integrated-management goal of returning 8,000 acre-feet to the North Platte River by 2019.

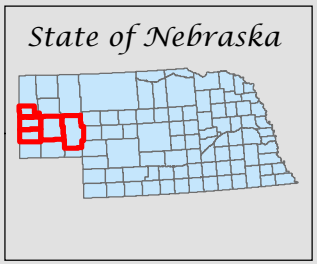
In the Pumpkin Creek Basin management area, retiring groundwater irrigation will provide some streamflow benefits to the North Platte River, though at a lower rate in comparison to the overappropriated area lands. More importantly, however, voluntarily retiring irrigation uses will reduce pressure on the basin's local aquifer, which holds only limited supplies and recharges very slowly. This benefit will ensure that local residents can continue to live and work in the basin.

The District believes that that the reduction of consumptive uses and the voluntary retirement of certain uses, coupled with irrigation allocations and other District initiatives, will promote success in meeting integrated-management targets. In addition, these measures will ensure the long-term viability of the District's economy and water resources for current and future generations.

APPENDIX A

MAPS AND LAND-USE DATA

Map 1: North Platte NRD Geography



Sioux

Scotts Bluff

Morrill

Garden

Banner

NE Hwy 71

US Hwy 385

US Hwy 26

NE Hwy 92

NE Hwy 88

Henry

Morrill

Mitchell

Lyman

Scottsbluff

Gering

Minatare

Melbeta

McGrew

Bayard

Angora

Bridgeport

Pumpkin Creek

Harrisburg

Reddington

North Platte River

Broadwater

Lisco

Oshkosh

Lewellen

Cities

Counties

Major Roads

Major Streams

N

W

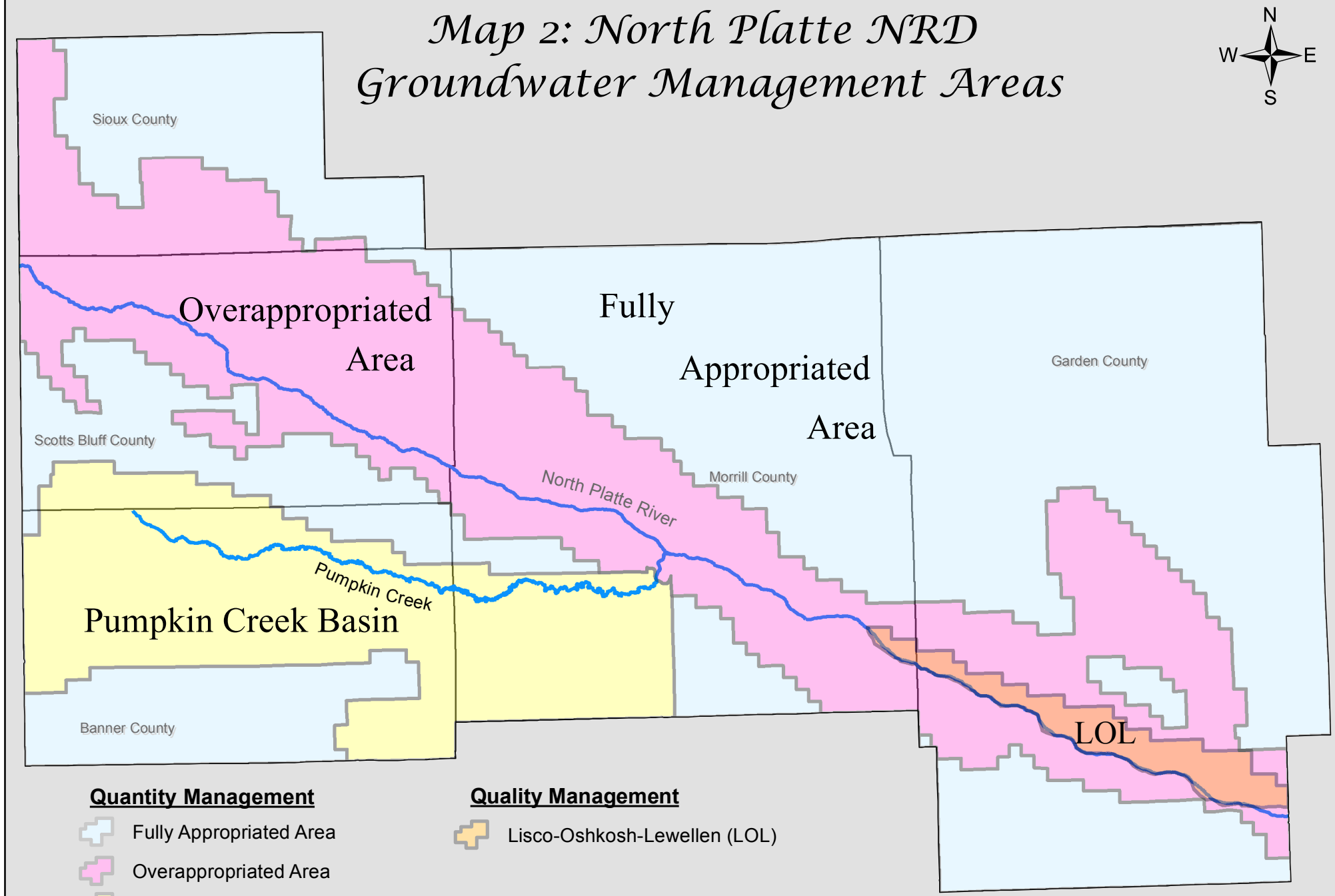
E

S

0 3.75 7.5 15 22.5 30 Miles

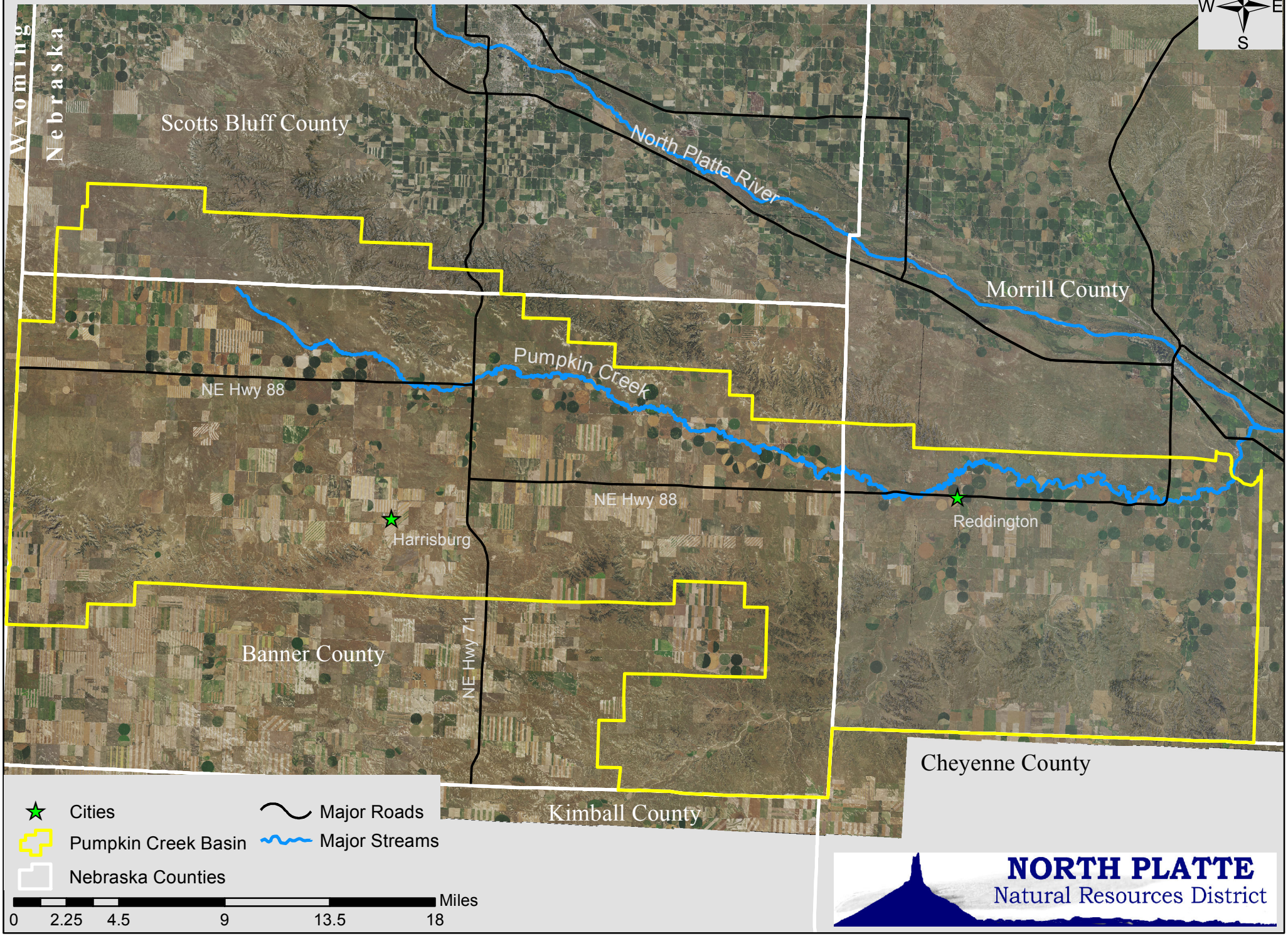
NORTH PLATTE
Natural Resources District

Map 2: North Platte NRD Groundwater Management Areas

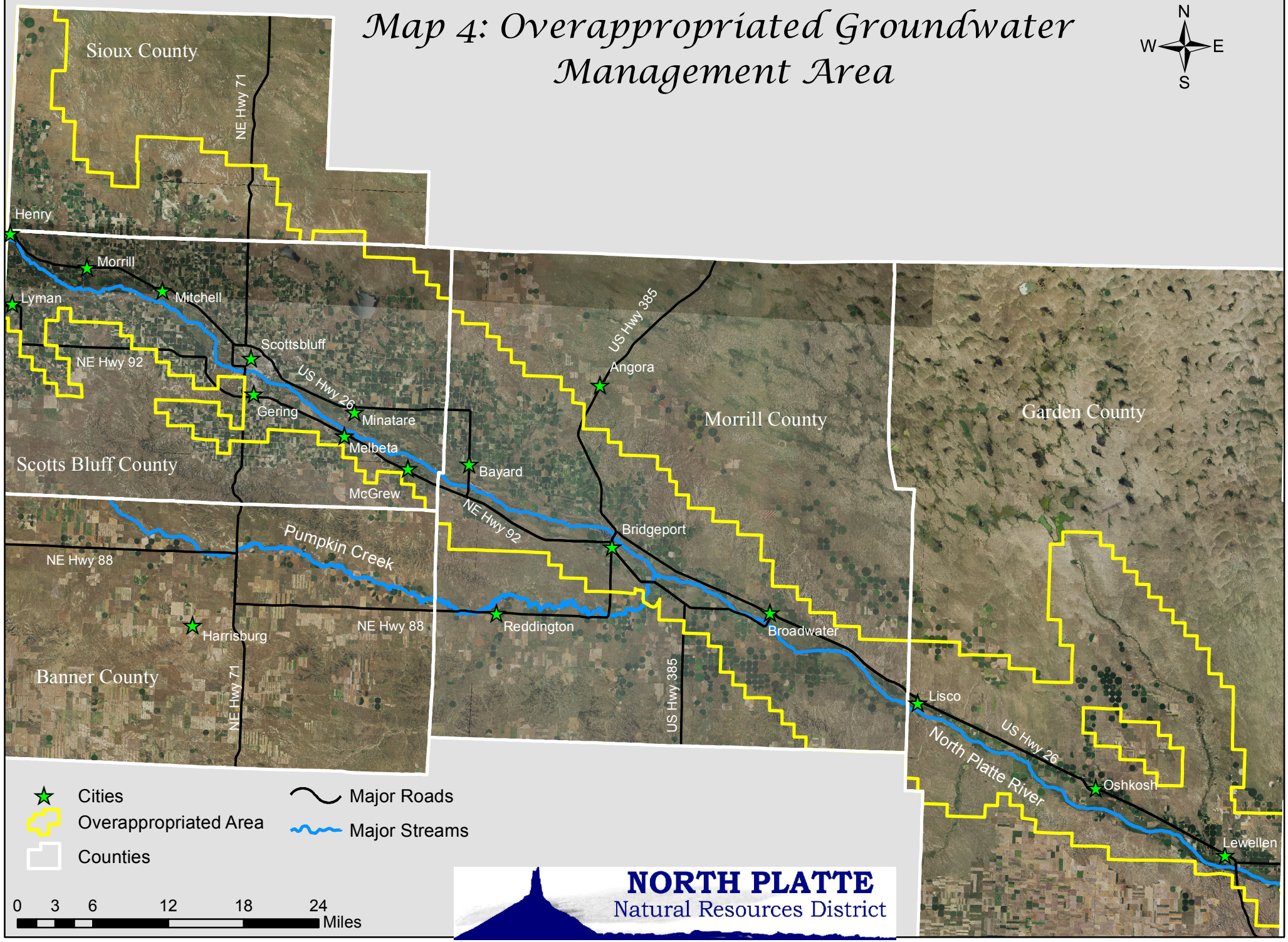


NORTH PLATTE
Natural Resources District

Map 3: Pumpkin Creek Groundwater Management Area



Map 4: Overappropriated Groundwater Management Area



Map 5: Unit Response Function Zones for Determination of Hydrologic Connection

N
W E
S

Sioux County

Morrill County

Garden County

Scotts Bluff County

Banner County

Pumpkin Creek

North Platte River

100 = Average % depletion to the North Platte River in 50 years

0 4.5 9 18 27 36 Miles

Cities
Counties
Major Streams
URF Zone Boundary
Overappropriated Area
Pumpkin Creek Basin

NORTH PLATTE
Natural Resources District

NORTH PLATTE
Natural Resources District

Map 6: Overappropriated Area Land Use with Well Locations

N
W E
S

0 2.5 5 10 15 20 Miles

Sioux County

Morrill County

Garden County

Scotts Bluff County

Banner County

Land Cover

- Woody Wetlands
- Shrub/Scrub
- Open Water
- Mixed Forest
- Herbaceous
- Hay/Pasture
- Evergreen Forest
- Emergent Herbaceous Wetlands
- Developed, Open Space
- Developed, Medium Intensity
- Developed, Low Intensity
- Developed, High Intensity
- Deciduous Forest
- Cultivated Crops
- Barren Land

- Cities
- Groundwater Wells
- Counties
- Major Streams
- Overappropriated Area
- Pumpkin Creek Basin

Map 7: Pumpkin Creek Basin Land Use with Well Locations

Scotts Bluff County

Morrill County

Banner County

Land Cover

- Woody Wetlands
- Shrub/Scrub
- Open Water
- Mixed Forest
- Herbaceous
- Hay/Pasture
- Evergreen Forest
- Emergent Herbaceous Wetlands
- Developed, Open Space
- Developed, Medium Intensity
- Developed, Low Intensity
- Developed, High Intensity
- Deciduous Forest
- Cultivated Crops
- Barren Land

- Cities
- Groundwater Wells
- Counties
- Major Streams
- Overappropriated Area
- Pumpkin Creek Basin

N
W E
S

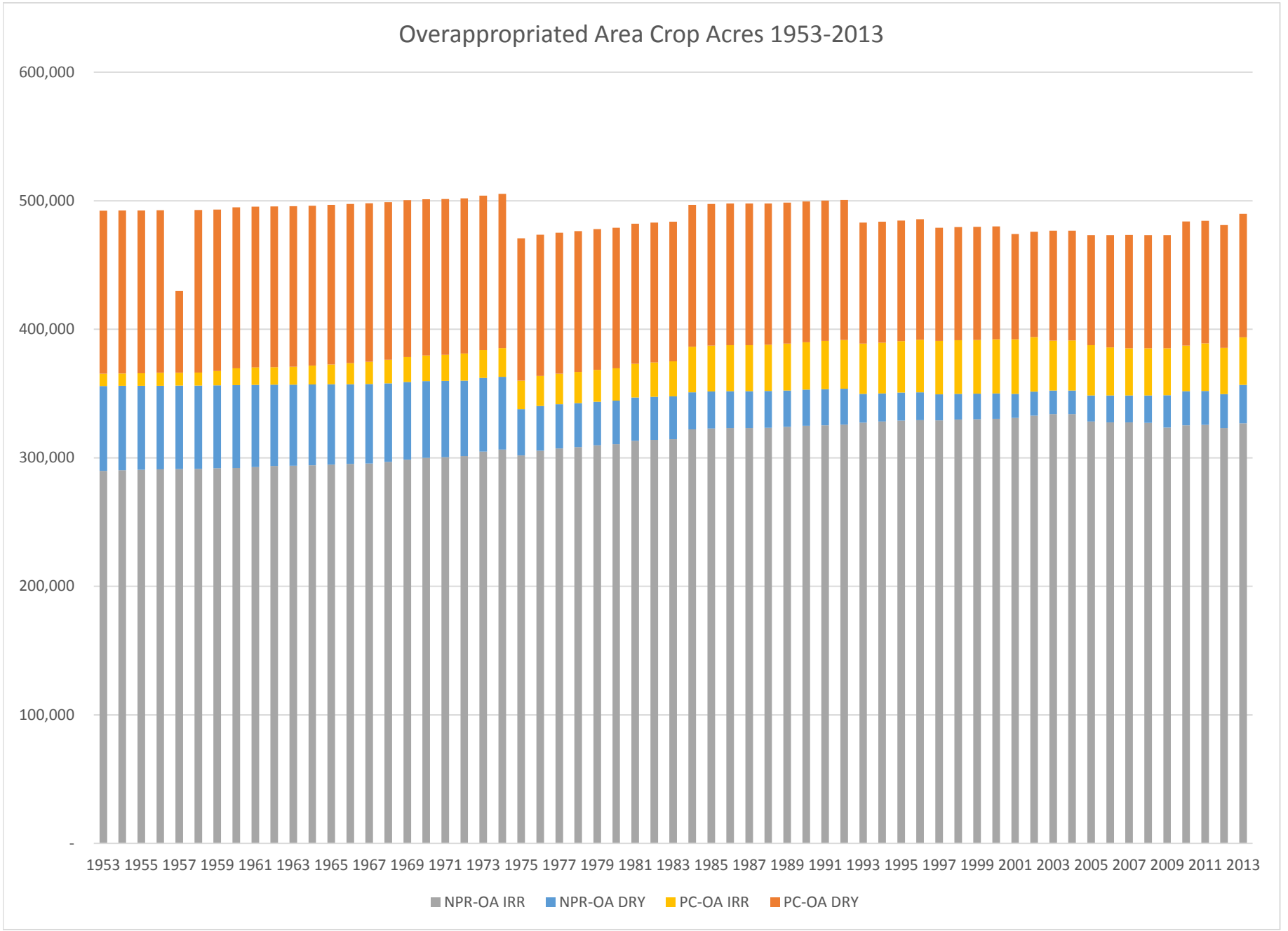
0 1.5 3 6 9 12 Miles

NORTH PLATTE
Natural Resources District

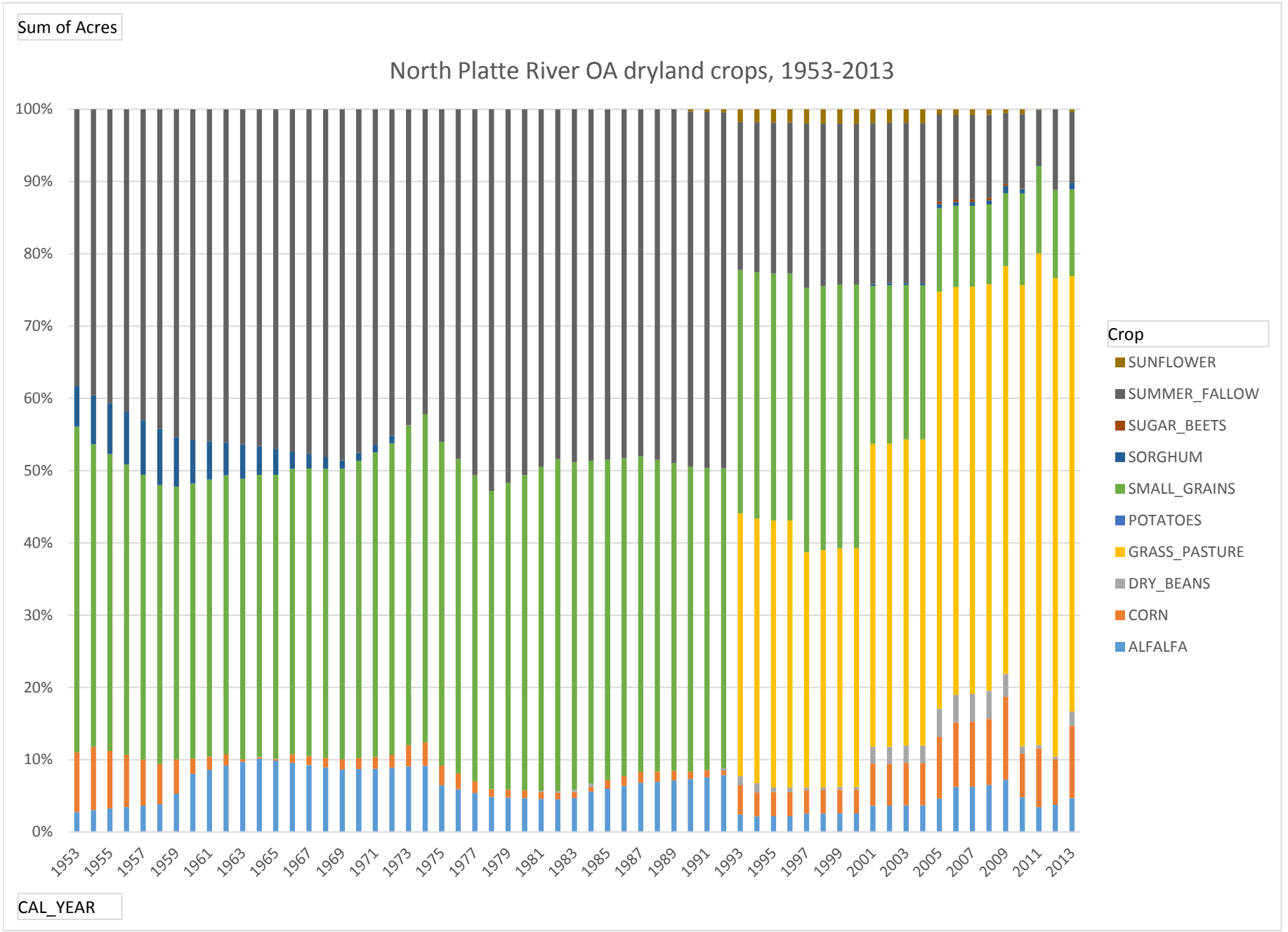
Appendix A:
Land-use proportions per management area

Year	NPR-OA DRY	PC-OA DRY	NPR-OA IRR	PC-OA IRR	Total	range-PC	range-NPR
1953	65,987.56	126,901.34	289,879.83	9,486.82	492,255.56	342,158.73	646,123.75
1954	65,596.37	126,790.65	290,415.54	9,622.55	492,425.12	342,133.69	645,979.23
1955	65,295.82	126,606.82	290,716.38	9,815.76	492,434.78	342,124.31	645,978.95
1956	65,055.02	126,531.90	290,996.28	10,016.26	492,599.46	341,998.74	645,939.84
1957	64,883.30	63,456.42	291,246.70	10,090.31	429,676.74	405,000.15	645,861.14
1958	64,709.01	126,327.68	291,431.51	10,220.47	492,688.67	341,998.74	645,850.63
1959	64,479.19	125,530.21	291,821.70	11,314.87	493,145.97	341,701.82	645,690.25
1960	64,367.89	125,148.76	292,111.58	13,159.05	494,787.28	340,239.08	645,511.68
1961	63,921.64	125,086.27	292,817.46	13,531.48	495,356.85	339,929.14	645,252.05
1962	63,229.15	125,086.27	293,620.48	13,606.80	495,542.71	339,853.83	645,141.51
1963	63,204.45	124,885.55	293,757.52	13,924.55	495,772.06	339,736.79	645,029.18
1964	62,925.98	124,338.83	294,099.38	14,772.40	496,136.59	339,435.67	644,965.79
1965	62,473.12	124,256.10	294,676.72	15,449.30	496,855.23	338,841.50	644,841.31
1966	62,071.69	123,779.32	295,210.83	16,426.12	497,487.96	338,341.45	644,708.63
1967	61,942.85	123,448.59	295,539.30	17,132.30	498,063.04	337,966.00	644,508.99
1968	61,103.68	122,560.47	296,871.21	18,272.05	498,807.41	337,714.37	644,016.26
1969	60,545.63	122,005.55	298,455.31	19,411.99	500,418.48	337,129.35	642,990.21
1970	59,794.45	121,617.34	299,873.09	19,833.21	501,118.09	337,096.34	642,323.60
1971	59,280.20	121,221.85	300,510.79	20,361.67	501,374.52	336,963.37	642,200.15
1972	58,753.89	120,670.49	301,268.76	21,081.65	501,774.78	336,794.75	641,968.50
1973	57,261.04	120,281.27	304,817.96	21,626.18	503,986.45	336,639.44	639,912.15
1974	56,591.57	119,906.89	306,454.81	22,356.94	505,310.21	336,283.06	638,944.77
1975	36,083.21	110,808.39	301,815.47	22,120.00	470,827.07	345,618.50	664,092.46
1976	34,701.45	109,880.01	305,528.55	23,409.32	473,519.34	345,257.56	661,761.15
1977	34,376.72	109,703.99	307,246.36	23,767.14	475,094.21	345,075.76	660,368.07
1978	34,209.55	109,619.35	308,341.50	24,230.02	476,400.42	344,697.52	659,440.10
1979	33,897.30	109,528.20	309,742.28	24,730.94	477,898.72	344,287.75	658,351.57
1980	33,798.25	109,325.71	310,649.60	25,152.69	478,926.24	344,068.50	657,543.30
1981	33,688.07	109,079.27	313,228.41	26,190.55	482,186.30	343,277.07	655,074.67
1982	33,526.29	108,707.21	313,881.74	26,848.58	482,963.82	342,991.10	654,583.11
1983	33,481.61	108,576.63	314,391.98	27,149.53	483,599.76	342,820.73	654,117.56
1984	28,738.93	110,333.72	322,127.99	35,499.96	496,700.60	332,713.21	651,124.23
1985	28,738.93	110,203.48	322,823.21	35,702.69	497,468.30	332,640.73	650,429.01
1986	28,738.93	110,082.50	323,141.04	35,824.55	497,787.02	332,639.84	650,111.18
1987	28,634.28	110,082.50	323,245.76	35,824.55	497,787.08	332,639.84	650,111.11
1988	28,634.28	109,834.28	323,271.87	36,072.77	497,813.19	332,639.84	650,085.00
1989	28,303.37	109,817.30	324,062.76	36,403.02	498,586.45	332,326.58	649,625.02
1990	28,134.10	109,541.00	324,856.73	36,916.71	499,448.54	332,089.18	649,000.32
1991	28,133.62	109,069.38	325,222.84	37,614.57	500,040.41	331,862.95	648,634.68
1992	28,033.34	109,069.38	325,729.32	37,881.34	500,713.38	331,596.18	648,228.49
1993	22,254.65	94,120.99	327,435.32	39,103.02	482,913.98	345,322.88	652,301.18
1994	21,948.45	94,055.13	328,169.15	39,437.33	483,610.06	345,054.43	651,873.55
1995	21,766.05	93,838.79	328,939.01	40,069.75	484,613.60	344,638.36	651,286.08
1996	21,766.05	93,838.79	329,235.48	40,745.72	485,586.03	343,962.39	650,989.62
1997	20,170.52	88,050.54	329,192.94	41,604.83	479,018.83	348,891.53	652,627.68
1998	20,013.90	88,023.54	329,719.48	41,669.74	479,426.65	348,853.62	652,257.77
1999	19,887.20	87,976.80	329,979.80	41,833.33	479,677.12	348,736.76	652,124.15
2000	19,887.20	87,819.39	330,265.65	42,095.55	480,067.79	348,631.95	651,838.30
2001	18,723.11	81,785.80	330,942.17	42,565.76	474,016.84	354,195.34	652,325.87
2002	18,663.27	81,785.80	332,727.73	42,565.76	475,742.56	354,195.34	650,600.14
2003	18,332.94	85,652.98	334,075.09	38,698.57	476,759.58	354,195.34	649,583.12
2004	18,326.62	85,487.56	334,081.41	38,863.99	476,759.58	354,195.34	649,583.12
2005	20,412.94	85,574.35	328,154.76	39,051.60	473,193.65	353,920.94	653,423.45
2006	21,055.49	87,351.52	327,512.21	37,274.43	473,193.65	353,920.94	653,423.45
2007	21,111.89	88,297.79	327,455.81	36,527.11	473,392.59	353,722.00	653,423.45
2008	21,427.49	87,958.21	327,140.21	36,667.74	473,193.65	353,920.94	653,423.45
2009	25,071.52	88,009.62	323,578.91	36,611.27	473,271.32	353,926.00	653,340.72
2010	26,494.50	96,652.90	325,267.92	35,531.98	483,947.30	346,362.01	650,228.73
2011	26,460.52	95,476.47	325,594.60	36,875.89	484,407.49	346,194.52	649,936.02
2012	26,431.01	95,474.31	323,125.47	35,954.32	480,985.12	347,118.26	652,434.66
2013	29,818.93	96,105.51	326,803.65	37,088.67	489,816.77	345,352.71	645,368.56
avg	39,300.82	106,935.04	313,037.66	27,929.31		343,682.54	649,652.67
% total ac	3.92	22.35	31.24	5.84		71.82	64.84

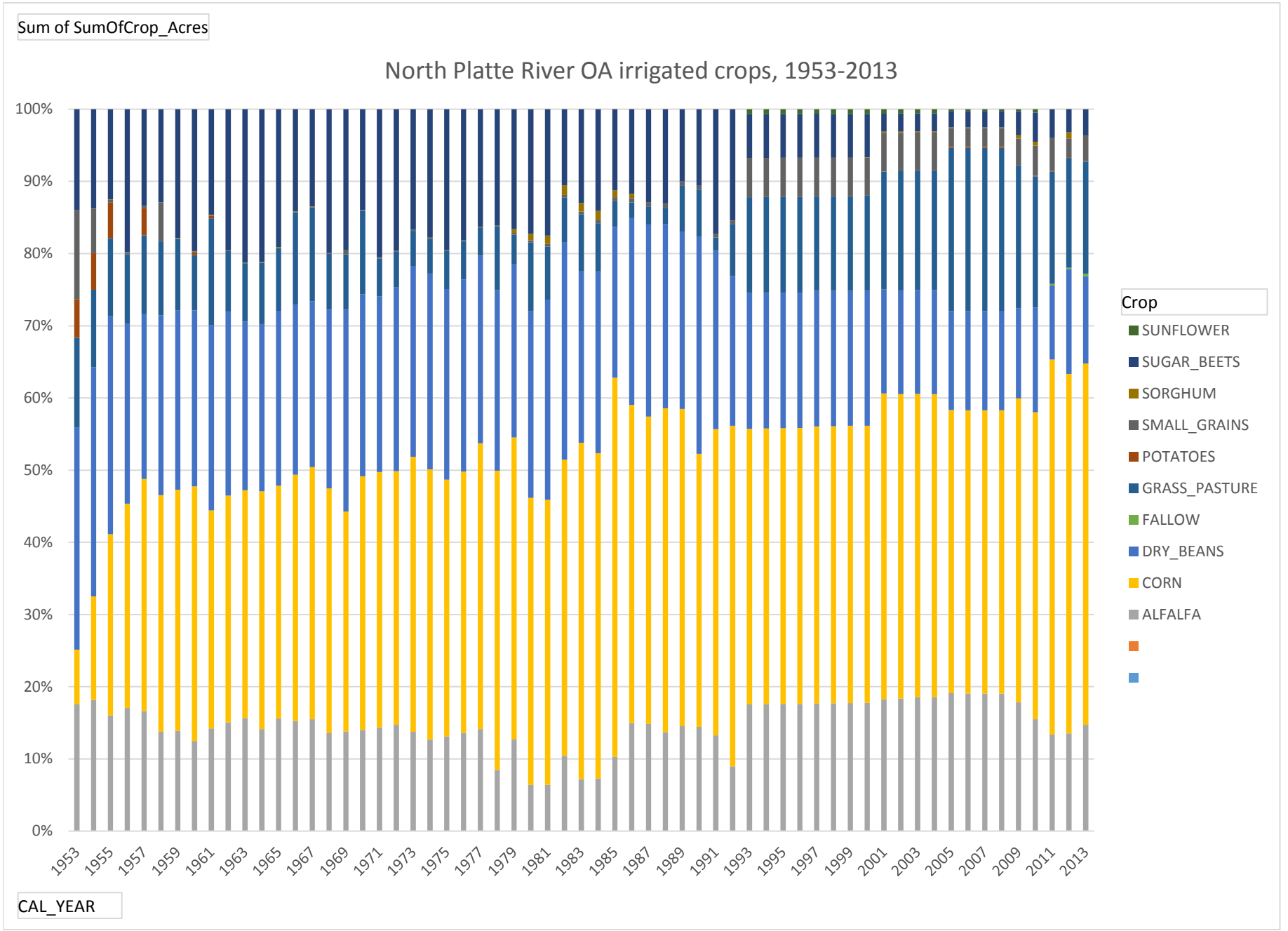
Appendix A
Total Overappropriated Area (including Pumpkin Creek) acres, 1953-2013



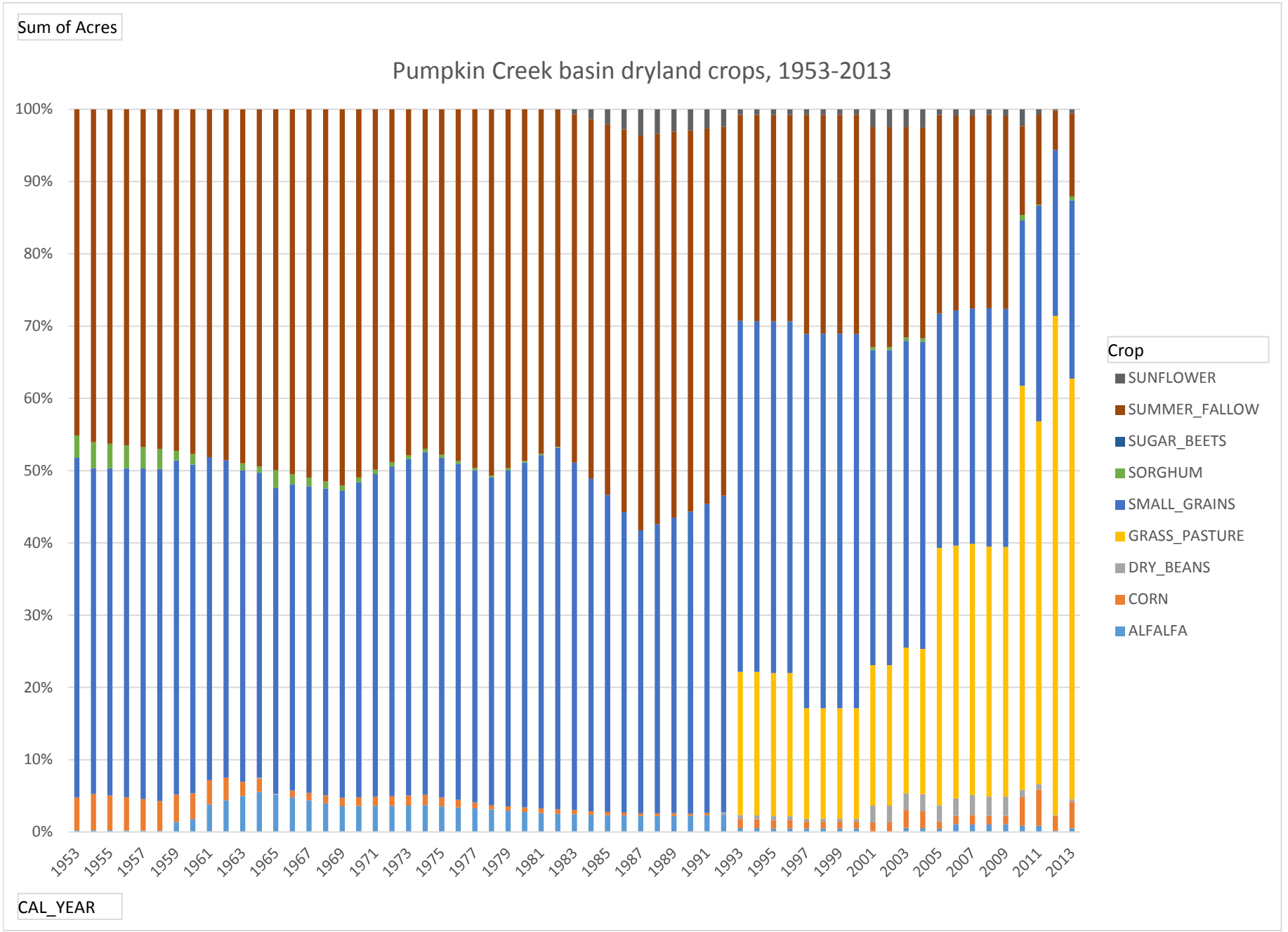
Appendix A:
OA principal dryland crop changes,
1953-2013



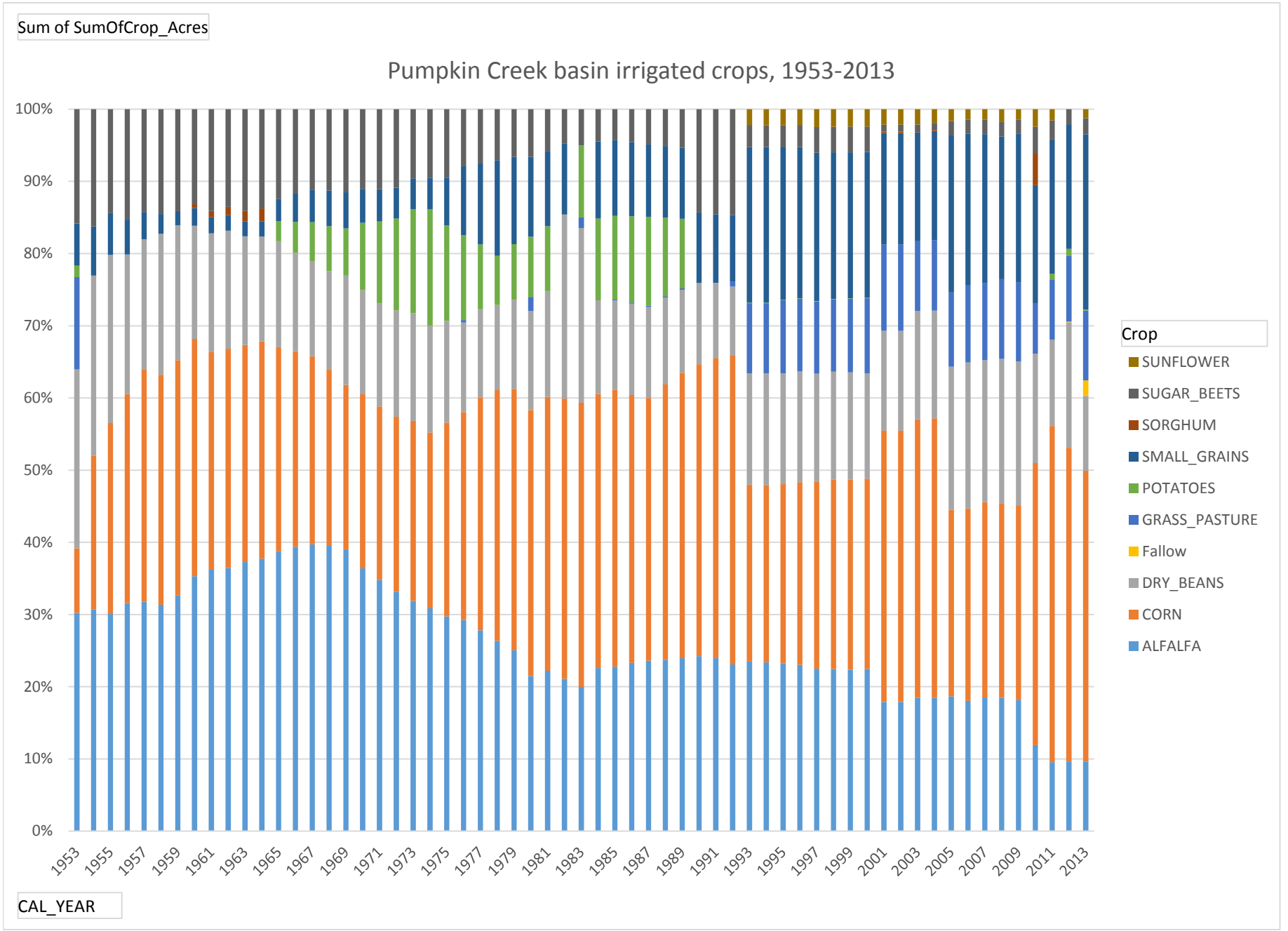
Appendix A:
OA principal irrigated crop changes,
1953-2013



Appendix A:
PCB principal dryland crop changes,
1953-2013



Appendix A:
PCB principal irrigated crop changes,
1953-2013



APPENDIX B

NORTH PLATTE NRD

INTEGRATED MANAGEMENT PLAN

AND

RULES AND REGULATIONS

INTEGRATED MANAGEMENT PLAN

Jointly Developed by the
North Platte Natural Resources District
and the
Nebraska Department of Natural Resources

CHAPTER 1: EFFECTIVE DATE

This Integrated Management Plan (IMP) was adopted by the North Platte Natural Resources District (NPNRD) on August 13, 2009 and by the Nebraska Department of Natural Resources (Department) on August 13, 2009.

This IMP became effective on September 14, 2009.

CHAPTER 2: AUTHORITY

This IMP was prepared by the Board of Directors of the NPNRD and the Department in consultation and collaboration with the NPNRD Stakeholders Group in accordance with Neb. Rev. Stat. §§ 46-715, 46-716, 46-717, 46-718, and 46-720.

CHAPTER 3: BACKGROUND

On September 5, 2002, the NPNRD sent a letter to the Department requesting that studies be conducted and a hearing held on the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water within the NPNRD. On November 1, 2002, the Director of the Department made a preliminary determination that there is reason to believe that the use of hydrologically connected ground water and surface water resources is contributing to or is in the reasonably foreseeable future likely to contribute to conflicts between ground water users and surface water appropriators, and that studies should be conducted to determine the causes of the conflicts and the extent of the area affected. Also on November 1, 2002, the NPNRD adopted Rules and Regulations for the Temporary Suspension of the Drilling of New Wells within the entire district, with the exception of the Pumpkin Creek Basin Ground Water Management Sub-Area, where a moratorium had already been implemented.

Following the completion of the studies, the Department held a public hearing on March 18, 2004, on the findings of the studies. On May 13, 2004, the NPNRD adopted an Order to work cooperatively with the Department on the development of a joint action plan for the entire NPNRD, with the exception of the Pumpkin Creek Basin Ground Water Management Sub-Area, which was designated as an integrated management area by the NPNRD in 2001.

When LB 962 (2004) became effective on July 16, 2004, the entirety of the NPNRD, with the exception of the Pumpkin Creek Basin Ground Water Management Sub-Area, became fully appropriated. The temporary suspension on the drilling of new wells was replaced by a stay on the issuance of water well construction permits. In addition, the fully appropriated determination resulted in a stay on new surface water appropriations and on increases in acres irrigated by either ground water or surface water.

On September 15, 2004, the Department issued an Order designating a portion of the Platte River Basin upstream of the Kearney Canal diversion as overappropriated. The Pumpkin Creek Basin Ground Water Management Sub-Area was included in this designation.

Prior to the effective date of LB 962 (2004), a stakeholder group had been established to provide input on the preparation of the joint action plan. This stakeholder group was continued and expanded for purposes of consultation and collaboration on the preparation of the IMP. This stakeholder group continued to meet until the February 2009. Consensus was not reached on the language of the draft IMP by the stakeholder group; therefore, the NPNRD and the Department continued to work on the draft of the IMP until April 2009, when agreement on the IMP was reached by the NPNRD and the Department and a public hearing was scheduled.

CHAPTER 4: MAP AND MANAGEMENT AREA BOUNDARIES

I. The area subject to the fully appropriated portion of this IMP is the entire geographic area of the NPNRD with the exception of the Pumpkin Creek Basin Ground Water Management Sub-Area (Map 1).

II. The area subject to the overappropriated portion of this IMP is the geographic area of the NPNRD designated by the Department as overappropriated on September 15, 2004 (Map 2) which includes the Pumpkin Creek Basin Ground Water Management Sub-Area (Map 3).

III. The stratigraphic boundaries subject to this IMP include all sediments from ground level downward through all aquifer units.

CHAPTER 5: FULLY APPROPRIATED PORTION OF THE IMP

I. GOALS AND OBJECTIVES

A. Vision Statement

Cooperatively develop and implement an IMP for ground water and surface water uses that facilitates the optimum management of integrated surface water and ground water resources, and sustain a balance between water uses and water supplies so that the economic viability, social and environmental health, safety and welfare of the river basin can be achieved and maintained for both near term and long term.

B. Goals

1. Protect existing users, local economy, environmental health, and recreational uses to the extent possible.

2. Manage total water supply in the NPNRD to achieve a balance between water uses and water supply so that economic viability, social and environmental health, safety, and welfare are maintained for the near term and long term.

3. Ensure no act or omission of the NPNRD will cause the state to be in noncompliance with applicable state and federal laws and with any applicable interstate water compact or decree or other formal state contract or agreement pertaining to surface water or ground water use or supplies.

C. Objectives

1. Identify and implement potential incentive programs, educational programs, and funding sources (state, federal, and/or other) that help reduce consumptive use and meet other management goals and objectives.

2. Cooperate and collaborate with water users and other governmental entities to identify and implement appropriate management responses to water supply fluctuations, allowing for a reasonable use of integrated water.

3. Allow for ground water banking and transfers as appropriate.

4. Investigate and implement water supply enhancement projects that 1) increase ground water supply, 2) increase surface water storage, 3) increase stream baseflow, or 4) make water available from an existing source.

5. Manage and maintain existing surface water diversions within the NPNRD to protect existing surface water irrigation rights to the extent possible in order to maintain or enhance ground water recharge and return flows within the NPNRD.

6. Manage ground water use on lands irrigated by both surface water and ground water to encourage the use of surface water as the primary irrigation water source.

II. PLAN COMPONENTS

A. Action Items to Achieve Goals and Objectives

The action items described in this section are intended to be consistent with the requirements of Neb. Rev. Stat. § 46-715(3).

B. Non-Regulatory Action Items

1. Information and Education Programs

(a) The NPNRD and the Department will provide educational materials to the public and/or carry out educational activities on topics that may include, but not be limited to, the following: the fully appropriated determination; the overappropriated designation; the IMP; the Nebraska New Depletion Plan (NDP); the Platte River Recovery and Implementation Program (Program); hydrologically connected ground water and surface water; invasive species management; conversion of irrigated acres to dryland agriculture or wildlife habitat; limited irrigation cropping systems; soil residue and tillage management; alternative crops; and funding sources for programs that enhance water supply.

(b) These educational materials and/or activities may include, but not be limited to, joint public meetings, pamphlets, and website information.

2. Incentive Programs

(a) Where possible, encourage surface water irrigation districts and canal companies to implement a program to improve measurements and data collection for farm turnouts.

(i) Work with the U.S. Bureau of Reclamation, USDA-Natural Resources Conservation Service, and others to seek cost-share for installation of measuring devices on surface water irrigation district and canal company farm turnouts.

3. Water Banking

(a) The NPNRD will establish a water bank for the purpose of facilitating the transfer of water between uses. The NPNRD will purchase or otherwise acquire transfers of certified ground water irrigated acres or other ground water uses or surface water appropriations. The NPNRD will hold the transferred consumptive use credit in its water bank for the following purposes: (1) offsetting new or expanded consumptive uses; (2) meeting statutory requirements and/or interstate agreement obligations; (3) meeting future incremental targets toward achieving a fully appropriated condition; or (4) making available for development of new consumptive uses of ground water within the NPNRD.

New consumptive uses of ground water are those uses which will result in an additional depletion to the river.

(b) In determining the amount of accretions to the stream that will be placed into the water bank from the transfer of ground water or surface water uses, the NPNRD and the Department will agree on the best available tools to utilize for calculating these accretions (i.e. the bankable volume of water). The calculations used to determine the accretions to be put into the water bank will consider the impact to streamflows through at least a fifty (50) year period and will be consistent with the methods used to evaluate transfers as described in Chapter 5, Subsection II.C.3. Additionally, these calculations will determine the timing and location of streamflow changes and any impacts to existing ground water users or surface water appropriators that may result from the transfer to the water bank.

(c) If the NPNRD intends to acquire a surface water appropriation for deposit in the water bank, the NPNRD will contact the Department prior to such acquisition. The Department will conduct a field investigation of the surface water appropriation and notify the NPNRD of the results within ninety (90) days. The NPNRD will work collaboratively with the Department in performing the analysis to evaluate the bankable volume of water resulting from the retirement of the surface water appropriation. If the surface water appropriation is to be transferred to another use, the NPNRD will follow the appropriate statutes and rules and regulations of the Department for approval of the transfer.

(d) The NPNRD will be required to obtain and maintain permanent easements, lease agreements, or other agreements on all property from which surface water appropriations or ground water uses have been retired for purposes of the water bank.

(e) Any water banking activity carried out by the NPNRD must follow the procedures for any ground water regulatory action (e.g. transfers, certification, or municipal and non-municipal industrial accounting) applicable to such activity. Any surface water related water banking activity carried out by the NPNRD must follow the appropriate state statute and Department rules and regulations.

C. Ground Water Regulatory Action Items (controls)

The NPNRD will periodically review the controls being implemented to carry out the goals and objectives of this IMP. If necessary and appropriate, the NPNRD will adjust, modify and/or expand the existing controls, and/or implement additional controls to carry out the goals and objectives of this IMP.

However, if the NPNRD decides to remove these existing controls, the NPNRD and the Department must amend this IMP prior to removal of these controls. The annual review of progress being made toward achieving the goals of this IMP, pursuant to Neb. Rev. Stat. § 46-715(4)(d)(ii), may result in such changes to the controls. Any changes to the controls must not be in conflict with the goals and objectives of this IMP.

The Department and the NPNRD will coordinate with the other Platte Basin NRDs (Central Platte NRD, Tri-Basin NRD, Twin Platte NRD, and South Platte NRD) to develop a consistent method of calculation that will be applied when calculations of depletions or accretions to the stream are necessary to implement ground water regulatory actions.

The following controls (authorized by Neb. Rev. Stat. § 46-739) are currently being implemented in the fully appropriated area of the NPNRD and will continue to be implemented in the future.

1. Moratorium

The NPNRD has implemented a moratorium on the issuance of water well construction permits and on new or expanded ground water uses. The NPNRD may issue a water well construction permit with conditions, provided that there is an offset for any new or expanded use or the new or expanded use will not result in an increase in consumptive use. Any new or expanded ground water uses not requiring a water well construction permit may occur if an offset is provided. When granting a variance from the moratorium on water well construction permits or on new or expanded uses, the NPNRD will consider the timing, location, and amount of the depletion and the corresponding offset for the new or expanded use to ensure that the proposed action will not adversely impact existing surface water appropriators or ground water users.

2. Certification of Ground Water Uses

The purpose of certifying ground water uses is to identify the ground water uses within the NPNRD at the time of the certification. All ground water uses, with the exception of domestic and range livestock, have been certified by the NPNRD. If modifications are required for any certified use, the NPNRD will consider the timing, location, and amount of any depletion associated with the modification and any corresponding offset to ensure that there will not be an adverse impact on existing surface water appropriators or ground water users.

3. Ground Water Transfers

(a) The purpose of a transfer is to allow for the consumptive use of ground water to be changed either in location or purpose without causing an increase in depletions to the river or an adverse impact to existing surface water appropriators or ground water users.

(b) The NPNRD will utilize the methodology for calculating depletions and accretions consistent with the other Platte Basin NRDs when evaluating proposed transfers to ensure that the criteria for compliance with the Program, including the timing, location and amount of the depletion and corresponding offset, are met. Any actions taken by the NPNRD related to the approval of transfers through a permitting process will be documented and shared with the Department pursuant to Chapter 7, Subsection I.A.

4. Municipal Use and Accounting

(a) The NPNRD will calculate baseline consumptive use for each municipality in the NPNRD based on historic average annual consumptive use data for the interval August 1, 2001, through July 31, 2006. Consumptive use will be determined from ground water pumping volumes and, where applicable, wastewater discharge volumes. The baseline will be used to determine annual changes in consumptive use. These annual changes in consumptive use will be tracked for each municipality through a reporting and database system administered by the NPNRD.

(b) Increases in annual consumptive use above the baseline will be subdivided into the following three categories: new or expanded commercial/industrial uses; increases in governmental uses; and increases in per capita consumptive use.

(c) Each year, the NPNRD will be responsible for offsetting all increases in governmental consumptive uses, per capita use up to two hundred fifty (250) gallons per person per day, and new or expanded single commercial/industrial consumptive uses of less than twenty-five (25) million gallons per year. If a municipality holds a municipal transfer permit, then the NPNRD must offset any increased consumptive use above the baseline up to the amount granted in the municipal transfer permit.

(d) Each year the municipality will be responsible for offsetting all increases in per capita use greater than two hundred fifty (250) gallons per person per day and new or expanded single commercial/industrial consumptive uses of greater than twenty-five (25) million gallons per year. If a municipality holds a municipal transfer permit, then the municipality must offset any increased consumptive use above the baseline that is over the amount granted in the in the municipal transfer permit.

5. Non-Municipal Industrial Use and Accounting

(a) The NPNRD will calculate baseline consumptive use for each non-municipal commercial/industrial user in the NPNRD based on historic average annual consumptive use data for the interval August 1, 2001, through July 31, 2006. Consumptive use will be determined from ground water pumping volumes and, where applicable, wastewater discharge volumes. The baseline will be used to determine annual changes in consumptive use. These annual changes in consumptive use will be tracked for each non-municipal commercial/industrial user through a reporting and database system administered by the NPNRD.

(b) The NPNRD will be responsible for offsetting all new or expanded single commercial/industrial consumptive uses below the amount granted in the industrial transfer permit, if applicable, and the new or expanded use in amounts of less than or equal to twenty-five (25) million gallons per year.

(c) The non-municipal commercial/industrial user will be responsible for offsetting all new or expanded consumptive uses above the amount granted in the industrial transfer permit, if applicable, or the entirety of the new or expanded use in excess of twenty-five (25) million gallons per year.

D. Surface Water Regulatory Action Items

The following surface water controls as authorized by Neb. Rev. Stat. § 46-716 will be implemented or will continue to be implemented by the Department:

1. The Department will continue the moratorium on new surface water appropriations in the portion of the Platte River Basin within the boundaries of the NPNRD. Variances may be granted by the Department in accordance with Department rules and regulations.

2. Any transfers of surface water appropriations will be in accordance with state statute and Department rules and regulations.

3. Surface water appropriations will continue to be administered according to the provisions of the permit, state statute, Department rules and regulations, and any applicable interstate compact, decree or agreement.

4. Surface water use will continue to be monitored to ensure that unauthorized use is not occurring.

5. The Department will not require surface water appropriators to apply or use conservation measures.

(a) If the Department in the future requires surface water appropriators to apply or use conservation measures, in accordance with Neb. Rev. Stat. § 46-716(2), the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eighty (180) days unless extended by the Department, to identify conservation measures to be applied or used and to develop a schedule for such application and utilization.

6. The Department will not require any other reasonable restrictions on surface water use.

(a) If the Department in the future requires other restrictions on surface water use, such restrictions must be consistent with the intent of Neb. Rev. Stat. § 46-715 and the requirements of Neb. Rev. Stat. § 46-231.

(b) If the Department in the future requires other restrictions on surface water use, in accordance with Neb. Rev. Stat. § 46-716(2), the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eighty (180) days unless extended by the Department, to comment on the proposed restrictions.

CHAPTER 6: OVERAPPROPRIATED PORTION OF THE IMP

The entirety of the fully appropriated portion of the IMP including the Goals and Objectives applies to the entirety of the overappropriated area within the NPNRD with the exception of Subsections II.C.1-3 which do not apply to the Pumpkin Creek Basin Ground Water Management Sub-Area. A further description of the ground water controls specific to the Pumpkin Creek Basin Ground Water Management Sub-Area is found in Chapter 6, Section II.B.5.

I. GOALS AND OBJECTIVES

A. Goals

1. Incrementally achieve and sustain a fully appropriated condition.

(a) Within the first ten (10) year increment, address impacts of streamflow depletions to surface water appropriations and water wells constructed in aquifers dependent upon recharge from streamflow to the extent those depletions are due to water uses initiated after July 1, 1997.

(b) Impacts of streamflow depletions to surface water appropriations and water wells constructed in aquifers dependent upon recharge from streamflow to the extent those depletions are due to water uses initiated prior to July 1, 1997, may be addressed prior to a subsequent increment with the intent of achieving a fully appropriated condition.

(c) Once a fully appropriated condition is achieved, maintain such condition through the implementation of the IMP.

2. Ensure that no act or omission of the NPNRD would cause noncompliance by Nebraska with any interstate compact or decree or other formal state contract or agreement.

(a) Ensure that no act or omission of the NPNRD would cause noncompliance by Nebraska with the NDP included within the Program, for as long as a Program exists.

3. Maintain consistency with the Basin-Wide Plan.

B. Objectives

1. Goal I.A.1.a Objectives

(a) Implement measures within the first ten (10) year increment to offset an average annual depletion rate of eight thousand (8,000) acre-feet to the North Platte River for the period 2043-2048. This rate is the current best estimate and is subject to change based upon new data and information.

(b) Conduct a technical analysis as described in Neb. Rev. Stat. § 46-715(4)(d)(iii) for this IMP after it has been in effect for six (6) years, to determine whether the measures adopted in this IMP are sufficient to offset depletions due to post-July 1, 1997, water uses.

2. Goals I.A.1.a and I.A.1.b Objectives

(a) Continue to refine the estimation methodology used to calculate the difference between the current and fully appropriated levels of development.

(b) Use available funds to offset depletions that are identified as part of the overall difference between current and fully appropriated levels of development.

3. Goals I.A.1.a, I.A.1.b, and I.A.1.c Objectives

(a) Develop and maintain data and analytical tools, such as the Cooperative Hydrology Study (COHYST), and other programs and projects needed to implement this IMP.

(b) Review the provisions of this IMP to ensure that they are adequate to sustain progress toward a fully appropriated condition.

(c) Review the provisions of this IMP to ensure that they are adequate to maintain a fully appropriated condition.

4. Goal I.A.2.a Objectives

(a) To the extent required in order to maintain compliance with the NDP, provide accretions to the North Platte River equal to or exceeding the annual depletion amount (Table 1), taking into account appropriate timing and location, for the first ten (10) year increment. The depletion amounts shown in Table 1 represent the current best estimate of depletions to the river from changes in ground water irrigated acres between 1997 and 2005 and are subject to change based upon new data and information.

Table 1 - Current Best Estimate of Post-1997 Depletions to the North Platte River due to Changes in Ground Water Irrigated Acres within the NPNRD between 1997 and 2005, based on the June 10, 2008, COHYST Report on Stream Depletions

Year	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Annual Stream Depletion (AF)	6,972	7,110	7,213	7,291	7,360	7,418

Year	**2015**	**2016**	**2017**	**2018**	**2019**
Annual Stream Depletion (AF)	7,464	7,500	7,539	7,569	7,594

(b) As required by the NDP, the NPNRD will submit reports to the Department as necessary to assist Nebraska in maintaining compliance with the Program.

5. Goal I.A.3 Objectives

(a) Amend this IMP as needed to remain consistent with the Basin-Wide Plan.

(b) Participate in basin-wide planning activities.

(c) If necessary and appropriate, follow the dispute process in the Basin-Wide Plan.

II. PLAN COMPONENTS AND ACTION ITEMS

The action items described in this section are intended to be consistent with the requirements of Neb. Rev. Stat. § 46-715(3).

A. Non-Regulatory Action Items

1. Information and Education Programs

These programs are discussed in the fully appropriated portion of this IMP.

2. Incentive Programs/Projects

(a) The Department and/or the NPNRD intend to establish, implement, and/or continue financial or other incentive programs to reduce consumptive use of water within the NPNRD to meet the goals and objectives of this IMP. Incentive programs may include, but not be limited to, retiring irrigated acres, or any program authorized by state law, and/or federal programs [e.g., CREP (Conservation Reserve Enhancement Program), EQIP (Environmental Quality Incentive Program), or AWEP (Agricultural Water Resources Enhancement Program)].

(b) At this time, the Platte Basin NRDs and the Department have identified PBHEP (Platte Basin Habitat Enhancement Program) as an incentive program that they intend to pursue to reduce consumptive use within the overappropriated portion of the Platte River Basin.

(c) It is the intent of the NPNRD to utilize qualified projects as described in Neb. Rev. Stat. § 2-3226.04 for water supply enhancement and reduction of consumptive uses of water to assist in achieving the goals and objectives of the integrated management plan. The NPNRD may utilize the funds granted by the state or federal government, the occupation tax authorized by Neb. Rev. Stat. § 2-3226.05 or the levy authority authorized by Neb. Rev. Stat. § 2-3225 for these projects.

3. Other Programs

(a) The NPNRD and the Department may investigate opportunities to reduce the consumptive use of water in order to enhance water supply, as well as other water supply improvement projects. The NPNRD and the Department may develop an incentive-based program if such opportunities exist. When developing any water-based programs, the Department and the NPNRD intend to follow these principles:

(i) Use the best science readily available.

(ii) Work with irrigation districts and/or canal companies, not just individual landowners served by the irrigation district and/or canal company, when potential projects affect the operation of the irrigation district and/or canal company.

(iii) Enhance water supplies and recognize the value of return flows.

(iv) Comply with any state or federal laws, contracts, interstate compacts or decrees that govern the water use of irrigation districts or canal companies.

(b) These other programs may include, but are not limited to, the following: (1) transfer existing surface water appropriations or apply for new appropriations for intentional recharge, and recovery when applicable, using existing canals; (2) develop new infrastructure (e.g. dams or canals) that may include intentional recharge projects, and recovery when applicable; (3) develop ground water projects for the purpose of providing net accretions to the river; and (4) facilitate contractual agreements between water users.

(c) If any of these programs were to be pursued, the Department and the NPNRD would develop a schedule for the project(s) within the first ten (10) year increment.

(d) Process for Implementing Other Programs

(i) Determine the available ground water and surface water supplies.

1. Unappropriated Surface Water

(a) Perform an analysis to determine if there is unappropriated surface water within the first year of the first ten (10) year increment.

(b) Determine if unappropriated surface water is available at the necessary time, in the right location, and in the correct amount, or if it can be appropriately relocated or retimed.

2. Appropriated Surface Water

(a) Compile a list of existing surface water appropriations within the NPNRD within the first year of the first ten (10) year increment.

(b) Determine if the appropriated surface water is available at the necessary time, in the right location, and in the correct amount, or determine if it can be appropriately relocated or retimed.

3. Ground Water

(a) Compile a list of certified ground water uses within the NPNRD within the first year of the first ten (10) year increment.

(b) Determine if the certified ground water uses can be converted to another use or otherwise retimed or relocated to provide net accretions to the river at the necessary time and in the right location.

(ii) Develop a list of criteria to evaluate the potential to utilize available surface water and/or ground water supplies. The criteria may take into consideration the following:

1. Any permitting requirements or regulatory constraints related to the utilization of available water supplies.

2. The potential benefits and the estimated cost of operation.

3. The cyclical water supply conditions.

(iii) Evaluate the available surface water and/or ground water supplies based on the criteria developed in Subsection II.A.3.d.ii above.

(iv) Subsections II.A.3.d.ii and II.A.3.d.iii would be an iterative process until the preferred projects are identified.

(v) For existing surface water appropriations, contact the appropriators of record and landowners to determine willingness to cooperate, lease, and/or sell those appropriations. If willing, develop and execute contract(s) with the appropriator(s) of record and landowner(s).

(vi) For existing ground water uses, contact the landowner(s) to determine willingness to cooperate with the proposed project(s). If willing, develop and execute contract(s) with such landowner(s).

(vii) Submit any required permit application(s).

(viii) Implement approved projects.

(e) Identification of Specific Other Programs

(i) Work with the Glendo Reservoir storage contractors and the Bureau of Reclamation to investigate any opportunities to utilize any unused Glendo water supplies.

B. Ground Water Regulatory Actions (controls)

1. In order to determine whether controls are needed in the overappropriated area, the annual stream depletion amounts shown in Table 2 will be compared to the stream accretions resulting from the actions taken by the NPNRD. As long as the annual net sum of the accretions resulting from the actions taken by the NPNRD and the annual depletions (Table 2) are less than or equal to zero, controls will not be required. The depletion amounts shown in Table 2 are subject to change based upon the best scientific data and information available.

Table 2 - Current Best Estimate of Depletions to the North Platte River due to Changes in Ground Water Irrigated Acres within the Overappropriated Area of the NPNRD between 1997 and 2005, based on the June 10, 2008, COHYST Report on Stream Depletions

Year	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Annual Stream Depletion (AF)	6,972	7,110	7,213	7,291	7,360	7,418

Year	**2015**	**2016**	**2017**	**2018**	**2019**
Annual Stream Depletion (AF)	7,464	7,500	7,539	7,569	7,594

2. The CREP and EQIP incentive programs have been utilized to retire approximately nine thousand two hundred (9,200) acres within the NPNRD, as of March 2009. The current estimates of the annual accretions resulting from these CREP and EQIP acreage retirements are shown in Table 3. These annual accretion estimates were developed based on the best scientific data and information available and are subject to change when more refined data or information becomes available.

Table 3 - Current Best Estimate of Annual Accretions to the North Platte River due to Acreage Retirements through the CREP and EQIP Incentive Programs (developed by the Department based upon type curves derived from the June 10, 2008, COHYST stream depletions report assuming the distribution of existing retired acres; surface water retirements assume one hundred (100) percent accretion to streamflow instantaneously)

Year	2009	2010	2011	2012	2013	2014
Annual Stream Accretion (AF)	3,367	3,414	3,460	3,507	3,554	3,601

Year	2015	2016	2017	2018	2019
Annual Stream Accretion (AF)	3,682	3,695	3,718	3,740	3,761

The annual calculated accretions shown in Table 3 do not exceed the current annual depletions shown in Table 2. Therefore, the resulting net depletions shown in Table 4 represent the remaining depletions to be offset within the NPNRD.

Table 4 - Current Best Estimate of Annual Net Depletions to the North Platte River, Assuming Existing CREP and EQIP Retirements

Year	2009	2010	2011	2012	2013	2014
Annual Stream Depletion (AF)	3,605	3,696	3,753	3,784	3,806	3,817

Year	2015	2016	2017	2018	2019
Annual Stream Depletion (AF)	3,783	3,805	3,821	3,829	3,834

Based on the information shown in Table 4, the actions taken by the NPNRD as of March 2009 (i.e., the existing CREP and EQIP retirements) do not provide the stream accretions necessary to obtain a net sum of accretions and depletions of less than or equal to zero. As a result, controls will be required.

3. Ground Water Controls

(a) Allocation

(i) Based on the best scientific methods and data currently available, an allocation of seventy (70) inches per certified irrigated acre for a five (5) year allocation period in the overappropriated area, in conjunction with existing CREP and EQIP retirements, would provide the necessary accretions to the North Platte River to achieve the objective of balancing annual depletions with annual accretions by the year 2017, if such an allocation was implemented beginning with the 2010 irrigation season (Table 5). The amount of the allocation allowed to be carried over (carryforward) into the next allocation period shall not exceed the base allocation of fourteen (14) inches per certified irrigated acre.

Table 5 - Current Best Estimate of Annual Net Depletions[1] to the North Platte River, Assuming Existing CREP and EQIP Retirements and a Fourteen (14) Inch Annual Average Allocation on Certified Irrigated Acres Served by Ground Water Only (developed by the Department based on type curves derived from the June 10, 2008, COHYST stream depletions report assuming the distribution of existing retired acres; surface water retirements assume one hundred (100) percent accretion to streamflow instantaneously; allocation based on type curves as described above and acres within the overappropriated portion of the District)

Year	2009	2010	2011	2012	2013	2014
Annual Stream Depletion (AF)	3,605	3,033	2,581	2,104	1,618	1,120

Year	2015	2016	2017	2018	2019
Annual Stream Depletion (AF)	577	91	-401	-629	-849

(ii) The Department and the NPNRD will evaluate the effectiveness of the allocation of seventy (70) inches per certified irrigated acre for a five (5) year allocation period in achieving the goals and objectives of this IMP prior to the end of the next allocation period. If this evaluation shows that the allocation of seventy (70) inches per certified irrigated acre for a five (5) year allocation period is not sufficient to meet the goals and objectives of this IMP, the Department and the NPNRD will decide what additional steps should be taken.

(iii) The allocations for separate certified irrigated tracts may be combined into designated allocation units (DAU) provided they meet the criteria for eligibility. All of the wells and at least a portion of each certified irrigated tract to be included in a DAU must be within a floating one (1), two (2), or three (3) mile square. In addition, the stream depletion percentage for each well to be included in the DAU must be within ten (10) percent of the stream depletion percentage of the other wells to be included in the DAU. A DAU may consist of either ground water only irrigated tracts or surface water and ground water (commingled) irrigated tracts, but not a combination of ground water only and commingled tracts. If a DAU is comprised of commingled tracts supplied by surface water from an irrigation district or canal company, all of the commingled tracts must be within the boundaries of the same irrigation district or the land served by the same canal company.

4. Other Ground Water Controls

At this time, no other ground water controls have been specifically identified to achieve the goals and objectives of Chapter 6.

5. Pumpkin Creek Basin Ground Water Management Subarea Ground Water Controls

The controls that have been implemented in the Pumpkin Creek Subarea include the following: (1) a moratorium on water well construction permits; (2) a moratorium on new or expanded ground water uses; and (3) certification of all ground water uses, with the exception of domestic and range livestock uses. Allocations have been and will continue to be implemented in the Pumpkin Creek Subarea and will not be greater than any allocation set for the rest of the overappropriated area within the NPNRD. Ground water transfers are not allowed within the Subarea. Designated allocation units have been established which allow the allocation for certified irrigated tracts to be combined.

[1] Negative values indicate streamflow accretions.

C. Surface Water Regulatory Actions

The surface water controls that will be used in the overappropriated area are the same as those described in the fully appropriated portion of this IMP.

[Chapter 6, Sections II.A.2, II.B.3 and II.B.5 amended by Order Number NPNRD-21, effective May 11, 2013.]

CHAPTER 7: MONITORING AND STUDIES

The overarching purpose of the monitoring and studies section is to ensure that the overappropriated and fully appropriated areas within the NPNRD reach and/or maintain a fully appropriated condition. The objective of the monitoring and studies section of this IMP is to gather and evaluate data, information and methodologies that could be used to increase understanding of the surface water and hydrologically connected ground water system, to test the validity of the conclusions and information upon which this IMP is based, and to assist decision makers in properly managing the water resources within the NPNRD.

I. MONITORING

Various methods will be employed to monitor the progress of the implementation of this IMP. Part One describes the tracking and reporting of water use activities within the fully appropriated and overappropriated areas of the District by the NPNRD and the Department. Part Two describes the analyses that will evaluate the progress that has been made toward: (1) addressing streamflow depletions due to new uses begun subsequent to July 1, 1997; (2) reaching a fully appropriated condition; and (3) sustaining a fully appropriated condition. Part Three describes the procedure for evaluating whether a subsequent increment is necessary to meet the goals and objectives of this IMP.

A. Part One: Tracking and Reporting of Water Use Activities

1. Tracking

(a) The NPNRD will be responsible for tracking the following activities within the District on an annual basis: (1) certification of ground water uses and any changes to these certifications; (2) approved transfers, including all of the information provided with the application and used in the approval of the transfer; (3) any flow meter data collected; (4) any water well construction permits issued; (5) any other permits issued by the NPNRD; (6) any conditions associated with any permits issued; (7) information gathered through the municipal and non-municipal industrial accounting process; (8) any variances issued, including the purpose, the location, any required offset, the length of time for which the variance is applicable, and the reasoning behind approval of the variance; (9) any retirements of irrigated acres or other activities by the NPNRD for the purpose of returning to a fully appropriated condition; (10) information related to any water banking transactions; and (11) offsets provided for depletions resulting from increased consumptive use related to the above listed items.

(b) The Department will be responsible for tracking the following activities within the District on an annual basis: (1) any surface water permits issued; (2) any dam safety permits issued; (3) any ground water permits issued; and (4) the associated offsets for any new permits issued. The Department will be responsible for tracking the following activities within the District on a five (5) year basis: (1) National Agricultural Statistics Service livestock data; (2) US Census Bureau population data; (3) inventory of sandpits; (4) inventory of reservoirs of less than fifteen (15) acre-feet; (5) any retirements of irrigated acres or other activities by the Department for the

purpose of returning to a fully appropriated condition; and (6) offsets provided for depletions resulting from increased consumptive use related to the above listed items.

2. Reporting

(a) An annual review of the progress being made toward achieving the goals and objectives of the first ten (10) year increment will include annual reporting by the Department and the NPNRD of the information being tracked as described above. This information will be shared between the NPNRD and the Department, presented at the basin-wide annual meeting, and used for Program compliance.

(b) The reports from the NPNRD and the Department should include information on the location, amount and timing of the depletions caused by each permitted new or expanded water use, as well as the associated offset and the location, amount and timing of the offset's accretions to the river. The depletions and/or the accretions should be reported for each year throughout the first ten (10) year increment.

(c) These reports should be made available at least four (4) weeks prior to each annual basin-wide meeting. The format of the reports will be standardized as agreed to by the Department and the Platte Basin NRDs.

(d) The reported information will be utilized as appropriate in the evaluation process described below.

B. Part Two: Measuring the Success of this IMP in Meeting the Goals and Objectives of this IMP

1. Measuring the success of this IMP in addressing streamflow depletions due to new uses begun subsequent to July 1, 1997 (Goals I.A.1.a and I.A.2.a of Chapter 6).

(a) In order to meet the requirements of Neb. Rev. Stat. § 46-715(4)(d)(ii), the data contained in the annual reports submitted by the NPNRD and the Department will be jointly reviewed and analyzed annually to assess the progress being made toward achieving the goals and objectives of Chapter 6 for the first ten (10) year increment. The analysis will include an update of the balance of the depletions and offsets from the current year through the year 2048.

(b) In addition to the annual review, a more robust review of the progress being made toward achieving the goals and objectives of Chapter 6 for the first ten (10) year increment will be carried out periodically. The process for this review is described below.

(i) The ground water models utilized for this process will be calibrated to baseflows and ground water levels in the area with sufficient temporal variability to assess the impacts on a monthly basis. The ground water models will be updated periodically to simulate the management practices that have been implemented to date. The evaluation period of the models will be 1998 through 2048.

(c) The following two ground water model runs will be conducted to measure the success toward reaching the objectives of Goals I.A.1.a and I.A.2.a:

(i) The 1997 Development Level Run - A model run which simulates the number of irrigated acres in 1997 and the associated crop mix. It will incorporate the full crop irrigation requirement for the 1997 crop mix. This model run will serve as the baseline to which the evaluation run will be compared. The run will be conducted using data through the current date and will include an update from the current date through the year 2048.

(ii) The Evaluation Run - A model run which simulates the annual changes between the irrigated acres throughout the evaluation period and the irrigated acres in 1997. The model, when appropriate, will utilize the flow meter data that the NPNRD collects to determine the crop consumptive use. The run will be conducted using data through the current date and will include an update from the current date through the year 2048.

(iii) Difference between the Evaluation Run and the 1997 Run - The simulated baseflow output from each model run will be compared to determine the difference.

(iv) Surface Water Accretions and Other Uses not Covered by the Model - If the NPNRD chooses to retire surface water acres to offset streamflow depletions due to new uses begun subsequent to July 1, 1997, then the accretions resulting from those retirements will be determined using agreed upon methodologies.

(v) Evaluation Results - In order for the first ten (10) year increment to be considered achieved, the results of combining the difference between the evaluation run and the 1997 development level run with the addition of surface water accretions and other uses not covered by the model will be less than or equal zero. See the following equation:

(Depletions from the Evaluation Run) - (Depletions from the 1997 Development Level Run) + (Surface Water Accretions and Other Uses not Covered by the Model) = Net Depletions

2. Measure the success of reaching a fully appropriated condition.

Because a fully appropriated condition is not currently determined, the Department and the NPNRD will work on outlining the process that will measure the success of reaching the fully appropriated condition once that condition has been determined.

3. Measure the success of maintaining a fully appropriated condition.

(a) Current Fully Appropriated Area - Monitor and analyze uses in the fully appropriated area to determine the change in stream depletions due to such uses.

(b) Current Overappropriated Area - Because a fully appropriated condition is not currently determined, the Department and the NPNRD will work on outlining the process that will measure the success of maintaining a fully appropriated condition once that condition has been determined.

4. In performing the analyses described in Chapter 7, Subsections I.B.1 through I.B.3, the Department and the NPNRD will use the best data and science that is readily available. The Department and the NPNRD will work with other agencies and/or interested parties, if necessary, to identify data gaps in their analyses and determine whether studies should be undertaken to address these gaps.

C. Part 3: Evaluating the Need for a Subsequent Increment

1. The Department and the NPNRD will carry out the studies and the technical analysis as specified in Neb. Rev. Stat. § 46-715(4)(d)(iii) to determine whether or not a subsequent ten (10) year increment is necessary. This will include a process to test the validity of the conclusions and information upon which this IMP is based, as required by Neb. Rev. Stat. § 46-715(2)(e).

2. Within the first ten (10) year increment, the Department and the NPNRD will continue to refine the estimation methodology used to calculate the difference between the current and fully appropriated levels of development, in accordance with Neb. Rev. Stat. § 46-715(4)(c). Fully appropriated levels of development will be determined through the following process:

(a) Determine the changes in recharge from surface water diversions and carriage losses and the impacts of those changes on streamflow using readily available data.

(b) Determine the changes in ground water irrigation, municipal, industrial, domestic, livestock, and other uses and the streamflow depletions or accretions caused by those changes using readily available data.

(c) Determine the effects of conservation measures on streamflows.

(d) Determine the timing and location of the net changes in streamflow.

(e) Determine when streamflow changes impact existing users, taking into account the effects of cyclical supply (e.g., drought).

(f) If significant changes in either the timing or location of streamflow have impacted existing users, the NPNRD and the Department will work collaboratively with affected parties to determine subsequent ten (10) year increment goals. These goals will include consideration of

the socioeconomic benefits derived from the various uses impacted by such changes in streamflow.

(g) The Department and the NPNRD will review other data and/or methodologies relevant or significant to the process.

3. The process described in Chapter 7, Subsection I.C.2 will focus on uses initiated prior to July 1, 1997, and their impacts on hydrologically connected streamflows. All uses initiated subsequent to July 1, 1997, will be evaluated utilizing the process described in Chapter 7, Subsection I.B.

4. In performing these analyses, the Department and the NPNRD will use the best data and science that is readily available. The Department and the NPNRD will work with other agencies and/or interested parties, if necessary, to identify data gaps in their analyses and determine whether studies should be undertaken to address these gaps.

II. STUDIES

A. The Department and the NPNRD will jointly pursue and/or evaluate studies, contingent upon budget and staff resources, to evaluate their potential effectiveness in achieving the goals and objectives of this IMP.

B. The following potential studies have been identified by the Department and the NPNRD: (1) crop rotation; (2) vegetation management; (3) irrigation scheduling; (4) surveying of the type and location of irrigation systems throughout the NPNRD; (5) tillage practices; (6) other best management practices; (7) conjunctive management; (8) invasive species; and (9) conservation measures.

CHAPTER 8: REVIEW OF AND MODIFICATIONS TO THE IMP

I. FULLY APPROPRIATED PORTION OF THE IMP

A. The NPNRD and the Department will jointly determine whether amendments need to be made to this IMP as necessary.

B. Modifications to this IMP will require an agreement by both the NPNRD and the Department as to the proposed changes. After the proposed changes have been agreed to, a joint hearing on those changes will be required. Following the joint hearing, the NPNRD and the Department will, by order, adopt the amendments to this IMP.

C. If the published results of COHYST, or other model(s) or tool(s) developed as part of the monitoring effort, indicate annual depletion values different from those in Table 1, which includes the depletions from both the fully appropriated area and the overappropriated area, then the Department and the NPNRD shall meet and discuss how this IMP may need to be revised.

II. OVERAPPROPRIATED PORTION OF THE IMP

A. First Ten (10) Year Increment

1. The NPNRD and the Department may amend Chapter 6 after an annual review of progress made towards achieving the goals and objectives, or at more frequent intervals as more data and information become available.

(a) If the published results of COHYST, or other model(s) or tool(s) developed as part of the monitoring effort, indicate annual depletion values different from those in Table 2, then the Department and the NPNRD shall meet and discuss how this IMP may need to be revised.

2. If the Basin-Wide Plan is revised and results in the need for this IMP to be revised to be consistent with the Basin-Wide Plan, this IMP will be revised accordingly.

3. Basin-Wide Plan Disputes

(a) If a dispute is presented at the annual meeting as described in the Basin-Wide Plan, the Platte Basin NRDs and the Department will make a determination of whether or not the dispute has hydrologic impact. If the dispute is determined to have hydrologic impact, then the Platte Basin NRDs and the Department will determine whether the dispute pertains to all of the Platte Basin NRDs or just to individual NRD(s).

(b) If the dispute pertains to all of the Platte Basin NRDs, an investigation will be conducted by the Platte Basin NRDs and the Department to determine what management actions will address the dispute(s) in the Basin-Wide Plan and/or the IMPs. If the management action pertains to this IMP, it will be revised accordingly.

(c) If the dispute is not a basin-wide issue but pertains to the NPNRD, the Department, the NPNRD, and any other affected Platte River Basin NRD(s), working with the affected water user(s), shall develop management solutions as appropriate to address the issue(s).

4. Modifications to Chapter 6 will require an agreement by both the NPNRD and the Department as to the proposed changes. After the proposed changes have been agreed to, a joint hearing on those changes will be required. This IMP will be provided to all of the other Platte Basin NRDs for comment before the revisions are approved by the NPNRD and the Department.

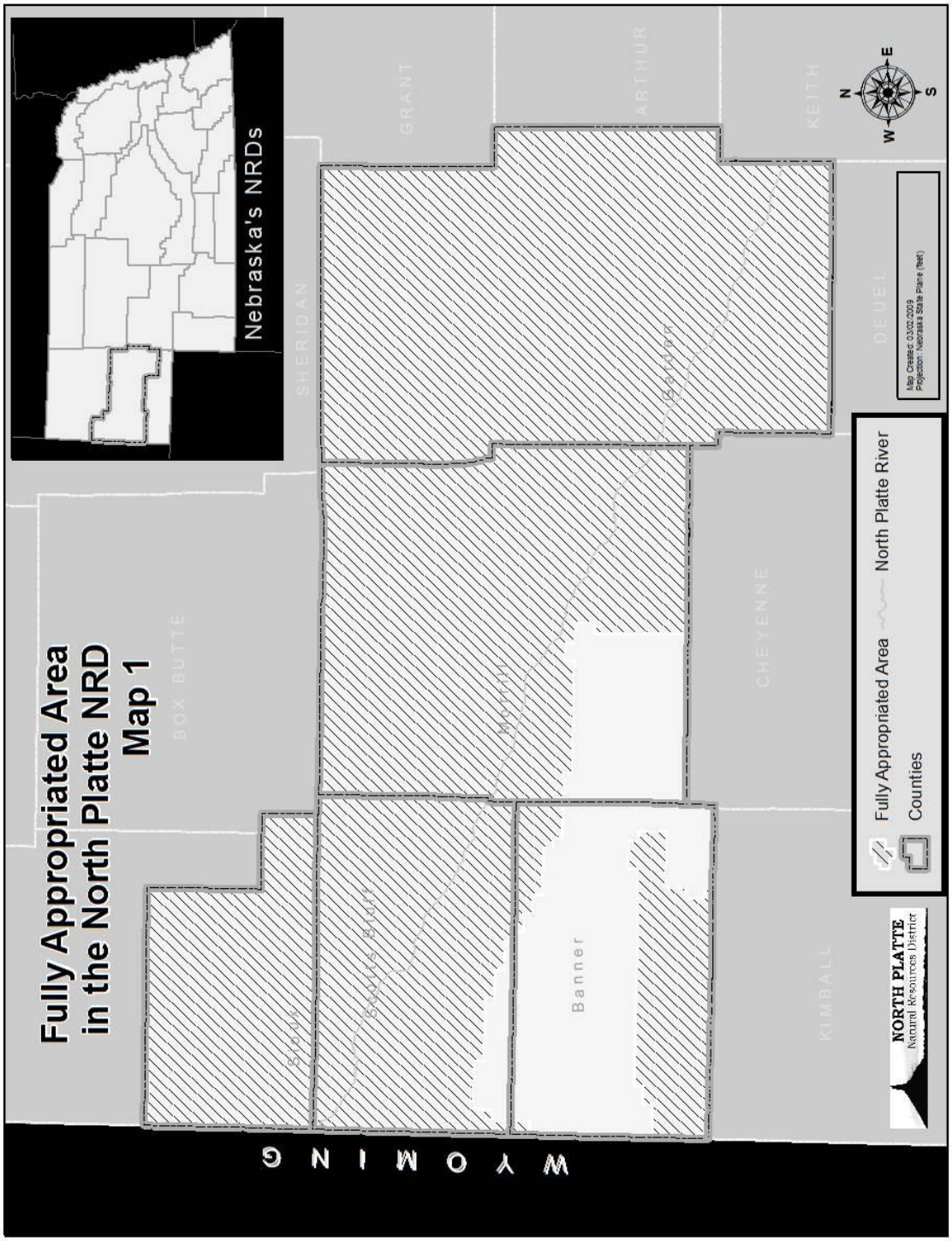
B. Second Ten (10) Year Increment

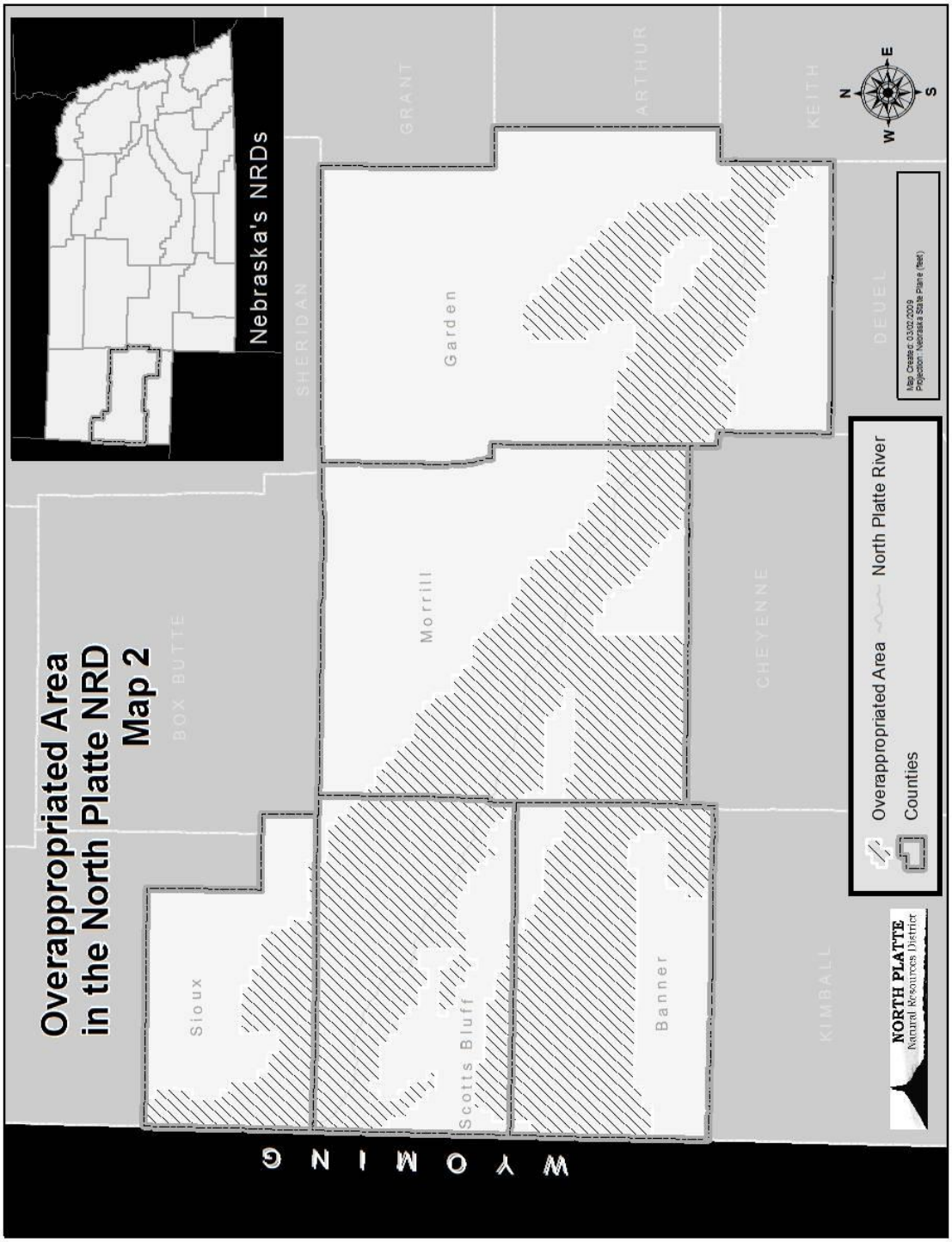
1. A technical analysis as described in Neb. Rev. Stat. § 46-715(4)(d)(iii) will be completed after this IMP has been in effect for six (6) years. This technical analysis will determine whether the measures adopted in this IMP are sufficient to offset depletions due to post-July 1, 1997, water uses. The technical analysis will also determine whether the adopted measures have returned the NPNRD to a fully appropriated condition.

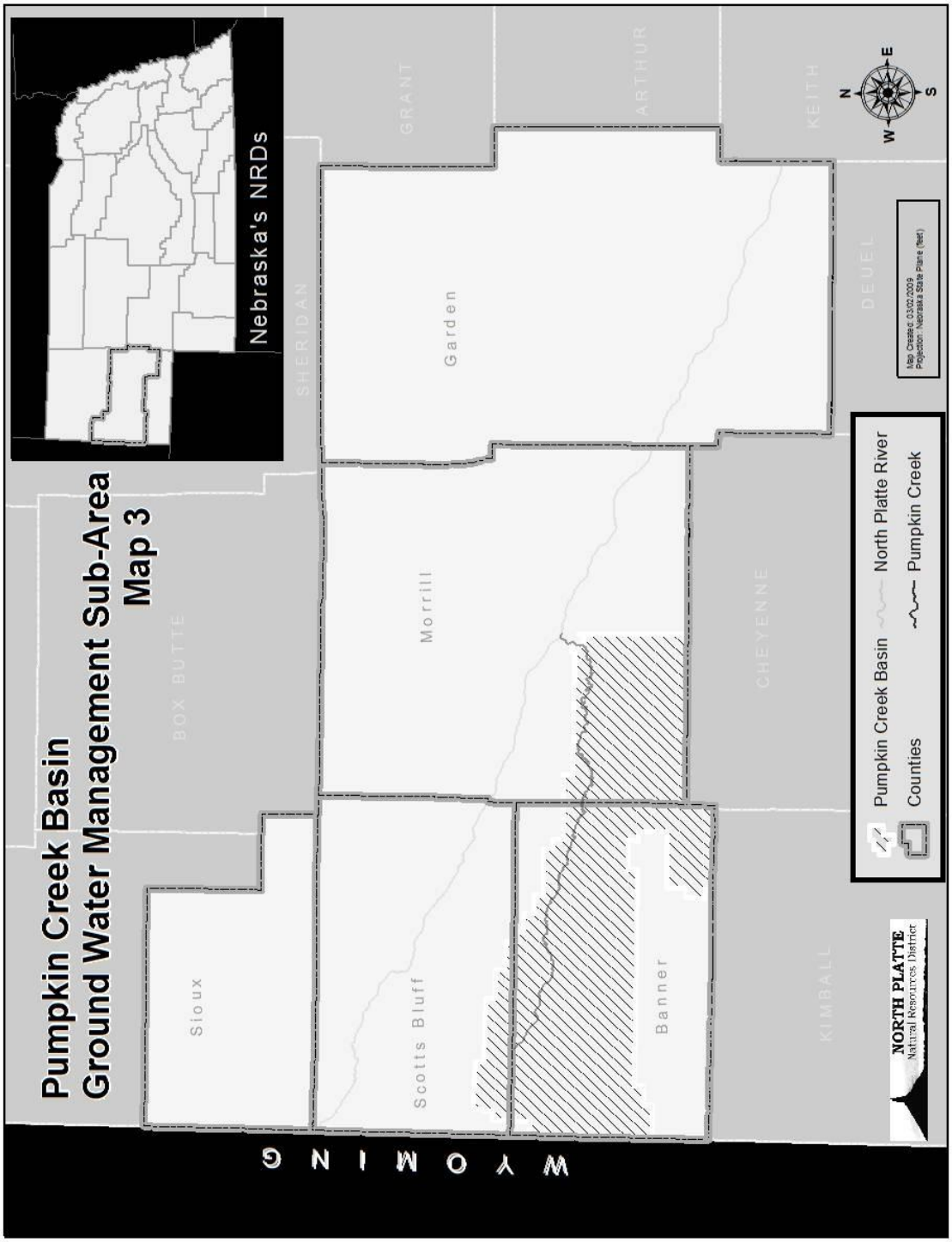
2. If it is determined from this technical analysis that a subsequent ten (10) year increment is needed to meet the goals and objectives of this IMP, then, pursuant to Neb. Rev. Stat. § 46-715(4)(d)(iv), the goals and objectives for the subsequent ten (10) year increment will be developed using the consultative and collaborative process described in Neb. Rev. Stat. § 46-715(4)(b). The changes to this IMP needed to implement a subsequent ten (10) year increment shall be completed, adopted and put into effect not more than ten (10) years after adoption of this IMP.

CHAPTER 9: INFORMATION CONSIDERED IN DEVELOPING THIS IMP

Information used in the preparation and to be used in the implementation of this IMP can be found in the following: 1) the Order Designating Overappropriated River Basins, Subbasins, or Reaches, and Describing Hydrologically Connected Geographic Area in the Matter of the Platte River Basin upstream of the Kearney Canal Diversion, the North Platte River Basin, and the South Platte River Basin; 2) the NPNRD Ground Water Management Plan; and 3) additional data on file with the NPNRD and the Department.


Fully Appropriated Area
in the North Platte NRD
Map 1
Nebraska's NRDs
BOX BUTTE
SHERIDAN
GRANT
ARTHUR
KEITH
CHEYENNE
DEUEL
KIMBALL
Banner
Scotts Bluff
Morrill
Garden
WYOMING
N
E
S
W
Fully Appropriated Area
North Platte River
Counties
Map Created: 03/02/2009
Projection: Nebraska State Plane (feet)
NORTH PLATTE
Natural Resources District


Overappropriated Area
in the North Platte NRD
Map 2
Nebraska's NRDs
BOX BUTTE
SHERIDAN
GRANT
ARTHUR
KEITH
DEUEL
Garden
Morrill
CHEYENNE
Sioux
Scotts Bluff
Banner
KIMBALL
WYOMING
N
E
S
W
Overappropriated Area
North Platte River
Counties
NORTH PLATTE
Natural Resources District


Pumpkin Creek Basin
Ground Water Management Sub-Area
Map 3
Nebraska's NRDs
WYOMING
Sioux
Box Butte
Scotts Bluff
Morrill
Garden
Banner
Sheridan
Grant
Arthur
Keith
Deuel
Cheyenne
Kimball
Pumpkin Creek Basin
Counties
North Platte River
Pumpkin Creek
NORTH PLATTE
Natural Resources District
N
E
S
W

NORTH PLATTE NATURAL RESOURCES DISTRICT

RULES & REGULATIONS

For the Enforcement of the
Nebraska Ground Water Management and Protection Act

Amended and Effective December 14, 2014

NORTH PLATTE
Natural Resources District

100547 Airport Road, P.O. Box 280
Scottsbluff, NE 69363-0280
Phone: (308) 632-2749
Fax: (308) 632-4346
www.npnrd.org

NORTH PLATTE NATURAL RESOURCES DISTRICT

RULES & REGULATIONS

For the Enforcement of the
Nebraska Ground Water Management and Protection Act

CHAPTER 1 – Adopted April 11, 1996, Effective July 10, 1996; Amended and Effective September 18, 1997; Amended and Effective January 11, 2008; Amended and Effective August 7, 2008; Amended and Effective January 12, 2009; Amended and Effective March 29, 2010; Amended and Effective April 9, 2012; Amended and Effective December 14, 2014

CHAPTER 2 – Adopted April 11, 1996, Effective July 10, 1996; Amended and Effective September 18, 1997; Amended and Effective January 11, 2008; Amended and Effective April 9, 2012; Amended and Effective December 14, 2014

CHAPTER 3 – Adopted September 14, 2006, Effective October 12, 2006; Amended and Effective April 9, 2012; Amended and Effective December 14, 2014

CHAPTER 4 – Adopted March 8, 2007, Effective April 5, 2007; Amended and Effective January 11, 2008; Amended and Effective January 12, 2009; Amended and Effective April 9, 2012; Amended and Effective December 14, 2014

CHAPTER 5 – Adopted December 13, 2007, Effective January 11, 2008; Amended and Effective August 7, 2008; Amended and Effective December 14, 2014

CHAPTER 6 – Adopted December 11, 2008, Effective January 12, 2009; Amended and Effective March 29, 2010; Amended and Effective April 9, 2012; Amended and Effective May 11, 2013; Amended and Effective December 14, 2014

CHAPTER 7 – Adopted February 15, 2001, Effective March 21, 2001; Amended and Effective December 19, 2002; Amended and Effective March 12, 2004; Amended and Effective March 9, 2006; Amended and Effective January 12, 2009; Amended and Effective April 9, 2012; Amended and Effective May 11, 2013; Amended and Effective December 14, 2014

CHAPTER 8 – Adopted August 19, 1999, Effective October 1, 1999; Amended and Effective November 18, 2004; Amended and Effective December 14, 2014

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CHAPTER 1 – GENERAL PROVISIONS

1.1 Area Designations and Boundaries

1.1.1 The entire District is designated as a Ground Water Management Area for purposes of ground water quality and quantity management pursuant to Order Number NPNRD-1.

1.1.1.1 The stratigraphic boundary of the Ground Water Management Area is from the land surface to the base of the underlying layers that contain the water bearing material. The base of the water-bearing layers rests on Cretaceous materials as defined by the University of Nebraska-Lincoln Conservation and Survey Division.

1.1.2 The entire District has been determined to be fully appropriated and/or overappropriated (as shown on the attached Maps 1 and 2) and is designated as an Integrated Management Subarea pursuant to Order Number NPNRD-17.

1.1.2.1 The stratigraphic boundary of the Integrated Management Subarea includes all sediments from ground level downward through all aquifer units.

1.1.3 The Pumpkin Creek Basin (as shown on the attached Map 3) has been designated as a Ground Water Management Subarea for purposes of ground water quality, quantity and hydrologically connected surface and ground water management pursuant to Order Number NPNRD-4.

1.1.3.1 The stratigraphic boundaries of the Pumpkin Creek Basin Ground Water Management Subarea include the Tertiary Brule Formation and the Quaternary deposits as defined by the Conservation and Survey Division of the University of Nebraska-Lincoln.

1.1.4 The Lisco-Oshkosh-Lewellen Ground Water Management Subarea (as shown on the attached Map 4) is designated for purposes of ground water quality management pursuant to Order Number NPNRD-3.

1.1.4.1 The stratigraphic boundaries of the Lisco-Oshkosh-Lewellen Ground Water Management Subarea include the Quaternary deposits, the Broadwater Formation, the Ogallala Group, the Arikaree Group, and the White River Group, as defined by the Conservation and Survey Division of the University of Nebraska-Lincoln.

1.2 Definitions

1.2.1 Acre-foot means the amount of water necessary to cover one acre of land one foot deep and is equal to 325,851 gallons of water.

1.2.2 Acre-inch means the amount of water necessary to cover one acre of land one inch deep and is equal to 27,154 gallons of water.

1.2.3 Addition of Use means adding a new ground water use to an existing certified ground water use, where the new ground water use is for a purpose different than that of the existing certified ground water use.

1.2.4 Adjacent Certified Irrigated Tract means the certified irrigated tract adjacent to a secondary irrigated tract which supplies available water to the secondary irrigated tract for irrigation purposes.

1.2.5 Alleged Violator means any person against whom a complaint has been filed in accordance with Chapter 2 of these rules and regulations.

1.2.6 Allocation means the allotment of a specified quantity of ground water during an allocation period for a specific use(s).

1.2.7 Allocation Period means the period of time for which an allocation is granted and may be used.

1.2.8 Animal Unit means a unit of measurement for any livestock operation calculated by adding the following numbers: (1) the number of slaughter and feeder cattle multiplied by 1.0; (2) the number of mature dairy cattle or cow/calf pairs multiplied by 1.4; (3) the number of swine weighing fifty-five (55) pounds or more multiplied by 0.4; (4) the number of weaned pigs weighing less than fifty-five (55) pounds multiplied by 0.04; (5) the number of sheep multiplied by 0.1; (6) the number of horses multiplied by 2.0; (7) the number of chickens multiplied by 0.01; (8) the number of turkeys multiplied by 0.02; and (9) the number of ducks multiplied by 0.2.

1.2.9 Aquaculture means the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term agriculture shall be construed to include aquaculture.

1.2.10 Available Water means the amount of ground water, expressed in acre-inches per certified irrigated tract, that may be used to irrigate a certified irrigated tract during an allocation period. It is calculated by adding the total current allocation to the amount of carryforward from the previous allocation period, if any, and then subtracting, if applicable, any available water overdraft, available water overdraft penalties, or other penalties assessed during the current and/or previous allocation period.

1.2.11 Available Water Overdraft means the amount of ground water, expressed in acre-inches per certified irrigated tract, used in excess of the available water during an allocation period.

1.2.12 Available Water Overdraft Penalty means a penalty assessed when an available water overdraft occurs. An available water overdraft penalty is equal to the amount of the available water overdraft and is expressed in acre-inches per certified irrigated tract.

1.2.13 Backup Well(s) means an alternative well(s) of a pair or series of wells used only when the primary well(s) is off-line.

1.2.14 Base Allocation means an amount of ground water, expressed in acre-inches per certified irrigated acre per water year, that is calculated by dividing the allocation by the number of water years in the allocation period.

1.2.15 Board or Board of Directors means the Board of Directors of the District or its employees and agents acting at the direction of the Board of Directors.

1.2.16 Carryforward means the lesser of the portion of unused available water at the end of the allocation period or the amount specified in Chapters 6 and 7 of these rules and regulations that may be added to the total current allocation for the subsequent allocation period.

1.2.17 Certified Ground Water Use means any use of ground water in accordance with these rules and regulations.

1.2.18 Certified Irrigated Acre means any irrigated acre that is certified by the District to allow the use of ground water for irrigation on such acre.

1.2.19 Certified Irrigated Tract means any tract of land under common ownership consisting of two (2) or more acres located within the North Platte Natural Resources District that is irrigated with ground water from a regulated well(s) and has been certified by the District to allow the use of ground water for irrigation.

1.2.20 Change of Use means the altering of one certified use of ground water to another certified use of ground water.

1.2.21 Commingled Water means water from both surface and ground water sources.

1.2.22 Common Carrier means any carrier of water including a pipe, canal, ditch, or other means of piping or combining water for irrigation or other certified uses.

1.2.23 Common Irrigation System means a single irrigation system used to irrigate a secondary irrigated tract and the adjacent certified irrigated tract.

1.2.24 Complainant means any person who files a complaint alleging a violation of these rules and regulations in accordance with Chapter 2 of these rules and regulations.

1.2.25 Compliance Officer means an employee or agent of the District authorized by these rules and regulations to perform the functions assigned thereto.

1.2.26 Consumptive Use means that portion of the ground water that is withdrawn and is evaporated, transpired, incorporated into products, crops, vegetation or consumed by humans or livestock.

1.2.27 Decommission means, when used in relation to a water well, the act of filling, sealing, and plugging a water well in accordance with the Department of Health and Human Services Regulation and Licensure rules and regulations.

1.2.28 Department or DNR means the Nebraska Department of Natural Resources.

1.2.29 Designated Allocation Unit (DAU) means an arrangement in which the available water for certified irrigated tracts may be combined.

1.2.30 Dewatering Well means a water well constructed and used solely for the purpose of lowering the ground water table elevation.

1.2.31 District, NPNRD or NRD means the North Platte Natural Resources District.

1.2.32 Domestic Well means a water well designed to provide ground water for human needs as it relates to health, fire control, sanitation, water for domestic livestock as related to normal farm and ranch operations, or water for lawns and gardens for family use or profit where the area to be irrigated does not exceed two (2) acres. This does not include any well constructed and used for a public water system.

1.2.33 Flow Meter means a device to measure the amount of ground water being withdrawn from a regulated well.

1.2.34 Fully Appropriated Area or FA means the area of the North Platte Natural Resources District determined to be fully appropriated on July 16, 2004, pursuant to Neb. Rev. Stat. § 46-720(3), as shown on Map 1 (attached).

1.2.35 Furrow Irrigation means a method of irrigation which is conducted by creating small parallel channels along the field length in the direction of predominant slope. Ground water, which is applied through means such as, but not limited to, gated pipe or siphon and head ditch, is applied to the top end of each furrow and flows down the field under the influence of gravity.

1.2.36 General Manager means the General Manager of the North Platte Natural Resources District.

1.2.37 Gravity Irrigation System means furrow irrigation or partial flood irrigation.

1.2.38 Ground Water means that water which occurs in or moves, seeps, filters or percolates through ground under the surface of the land.

1.2.39 Ground Water Management Area or Management Area means any geographic and stratigraphic area designated by the Board pursuant to Neb. Rev. Stat. § 46-712.

1.2.40 Ground Water Management Subarea or Subarea means any geographic and stratigraphic subarea designated by the Board pursuant to Neb. Rev. Stat. §§ 46-718(2) or 46-739(4).

1.2.41 Ground Water User means a person who at any time extracts, withdraws, or confines ground water from a regulated well. Whenever the landowner and operator are different persons, the term 'ground water user' shall mean both the landowner and the operator.

1.2.42 Historic Consumptive Use means that portion of the previously withdrawn ground water that was evaporated, transpired, incorporated into products, crops, vegetation or consumed by humans or livestock.

1.2.43 Illegal Well means (1) Any well not registered pursuant to the provisions of Neb. Rev. Stat. §§ 46-602 to 46-604; (2) any well in violation of spacing requirements specified by Neb. Rev. Stat. §§ 46-609 or 46-651; (3) any well or pit from which water is transported to an adjoining state in violation of Neb. Rev. Stat. § 46-613.01; (4) any well located within fifty (50) feet of the bank of a channel of any natural stream and utilized for irrigation purposes without a permit required by Neb. Rev. Stat. § 46-637; (5) any well constructed without a required permit under Neb. Rev. Stat. § 46-735; (6) any illegal water well as defined by Neb. Rev. Stat. § 46-1207.01; or (7) any well constructed or operated in violation of these or other rules and regulations of the District or other applicable laws, rules or regulations of the State of Nebraska and its agencies.

1.2.44 Improper Irrigation Runoff means the occurrence of irrigation runoff water within the Management Area which causes or contributes to (1) the accumulation of water upon or beneath the surface of the lands of any other person(s) to their detriment or damage; (2) the deterioration of water quality by depositing sediment or chemicals in surface waters within the Management Area; or (3) contributes to waste.

1.2.45 Industrial/Commercial Well means a regulated well that supplies ground water for certified manufacturing, commercial or power generation uses. Certified commercial use includes, but is not limited to, maintenance of a livestock operation and turf of a golf course.

1.2.46 Inspector means an employee or agent of the District designated by the District compliance officer to perform the functions as authorized by these rules and regulations.

1.2.47 Irrigation Runoff Water means ground water used for irrigation purposes which escapes from land owned, leased, or otherwise under the direct supervision and control of a ground water user.

1.2.48 Irrigation System means the necessary appurtenances connected to a regulated well(s), including the pump, used to convey irrigation water to a certified irrigated tract(s). This includes, but is not limited to, any combination of set-move, solid-set, traveler, center pivot, subsurface drip system or linear move sprinkler system(s) and gravity, furrow, border, or flood irrigation utilizing water from a lateral or a pipe.

1.2.49 Irrigation Well means a regulated well that supplies ground water to certified irrigated acres and, if applicable, secondary irrigated acres, for the production of forage or any agricultural crop, or the irrigation of lawns and gardens for family use or profit where the area to be irrigated is greater than two (2) acres.

1.2.50 Land Use Zone means a subarea or geographic area within the extent of the WWUM model that was established through a process of evaluating each of the multiple subareas within the model for similar canal operations, hydrology, land use, and other conditions.

1.2.51 Landowner means the record owner of real estate.

1.2.52 Livestock Operation means a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of one hundred (100) days or more in any twelve (12) month period and where crops and vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over a majority of the area. Livestock operation does not include an operation involving two hundred and fifty (250) animal units or less in a confined lot or an aquaculture facility.

1.2.53 Location of Use mean the location where ground water is applied for its certified use.

1.2.54 Monitoring Well means a water well that is designed and constructed to provide ongoing hydrologic or water quality information and is not intended for consumptive use.

1.2.55 Observation Well means a water well that is used for the purpose of monitoring static water levels and is not intended for consumptive use.

1.2.56 Offset means the acquisition of water for purposes of mitigating adverse impacts to existing ground water users, existing surface water appropriators or the North Platte River and its tributaries due to a (1) new or expanded consumptive use of ground water; (2) change in the point of ground water withdrawal from a regulated well; (3) change in the location of a certified ground water use; (4) change in the purpose of a certified ground water use; or (5) addition of a ground water use to an existing certified ground water use.

1.2.57 Operator means that person who has the most direct control over the day-to-day operation of the land or system.

1.2.58 Other Use means any certified use of ground water from a regulated well for purposes other than irrigated agriculture, a livestock operation, an industrial or commercial operation or a public water supply.

1.2.59 Overappropriated Area or OA means the area of the North Platte Natural Resources District designated as overappropriated by Order of the Nebraska Department of Natural Resources on September 15, 2004, as shown on Map 2 (attached).

1.2.60 Partial Flood Irrigation means a method of irrigation in which ground water is applied through means such as, but not limited to, gated pipe or siphon and head ditch to certified irrigated acres which have no guide preparation, such as furrows or borders, and the ground water flows over and across the land under the influence of gravity.

1.2.61 Permit means an approval document that must be obtained from the Department and/or the District.

1.2.62 Person means a natural person, a partnership, a limited liability company, an association, a corporation, a municipality, an irrigation district, an agency or a political subdivision of the state, a department, an agency, or a bureau of the United States, or any other entity recognized by law.

1.2.63 Point of Ground Water Withdrawal means the location at which ground water is removed from a regulated well.

1.2.64 Pre-existing Allocation Unit (PAU) means a designation used by the District in situations where the amount of ground water applied to more than one certified irrigated tract is not able to be determined due to the configuration of the regulated well(s) and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

1.2.65 Primary Well(s) means the well(s) of a pair or series of wells which is (are) used as the principal water source for that certified use.

1.2.66 Public Water Supplier means a city, village, municipal corporation, rural water district, natural resources district, irrigation district, reclamation district or sanitary and improvement district which supplies or intends to supply water to inhabitants of cities, villages, or rural areas for domestic or municipal purposes (i.e., public water supply).

1.2.67 Range Livestock means livestock that are kept in pastures, on rangeland, or on other grazing lands and allowed to feed on vegetation growing therein.

1.2.68 Regulated Well means a single water well or a series of water wells, connected by a common carrier, the purpose of which is to provide water for a certified ground water use regardless of pumping capacity. Replacement wells and any excavation of land, including a sandpit, from which ground water is extracted for irrigation purposes, are regulated wells. Domestic, range livestock, dewatering wells with an intended use of ninety (90) days or less, test holes, monitoring and observation wells, and wells constructed pursuant to a ground water remediation plan under the Environmental Protection Act are not regulated wells.

1.2.69 Replacement Well means a water well which is constructed to provide water for the same purpose as the original water well and is operating in accordance with any applicable permit from the Department and applicable rules and regulations of the District and, if the purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and (1) replaces a decommissioned water well within one hundred eighty (180) days after the decommissioning of the original water well; (2) replaces a water well that has not been decommissioned but will not be used after construction of the new water well and the original water

well will be decommissioned within one hundred eighty (180) days after such construction, except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one (1) year after completion of the replacement water well; (3) the original water well will continue to be used but will be modified and equipped within one hundred eighty (180) days after such construction of the replacement water well to pump fifty (50) gallons per minute or less and will be used only for range livestock, monitoring, observation, or any other nonconsumptive or de minims use and approved by the District; (4) the capacity of a replacement well cannot be greater than the capacity of the original well as shown in the original well's registration records on file with the Department of Natural Resources; and (5) the original well can only be replaced by a single well, not by multiple wells.

1.2.70 Secondary Irrigated Acre means an irrigated acre that is not certified but possesses a valid surface water right and, through a common irrigation system, receives available water for irrigation purposes from an adjacent certified irrigated tract.

1.2.71 Secondary Irrigated Tract means any tract of land under common ownership consisting of secondary irrigated acres that have been recorded with the District to allow for the use of ground water from an adjacent certified irrigated tract for irrigation purposes.

1.2.72 Special Circumstance Replacement Well means a regulated irrigation well constructed for the purpose of serving certified irrigated acres that have been severed from the regulated irrigation well(s) certified to those acres due to a change in ownership of the severed certified irrigated acres and/or the regulated well(s).

1.2.73 Temporary Ground Water Use means the temporary use of ground water from a regulated well for energy exploration and development or construction purposes, pursuant to Rule 1.6.

1.2.74 Temporary Ground Water Use Permit means a permit granted by the District for a temporary use of ground water from a regulated well.

1.2.75 Temporary Ground Water User means a person who uses ground water for a temporary use.

1.2.76 Test Hole means a hole designed solely for the purpose of obtaining information on hydrologic or geologic conditions.

1.2.77 Total Current Allocation means the amount of ground water allocated to a certified irrigated tract during an allocation period, expressed in acre-inches per certified irrigated tract, and obtained by multiplying the number of certified irrigated acres in a certified irrigated tract by the allocation.

1.2.78 Transfer means a change in the (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new ground water use to an existing certified ground water use; or (5) any combination thereof which requires an approved transfer permit application, pursuant to Chapter 5 of these rules and regulations.

1.2.79 Purpose of Ground Water Use means the certified use of a regulated well (e.g., irrigation).

1.2.80 URF Analysis means an analysis involving a fifty (50) year unit response function (URF) created by the Ground Water Model of the WWUM model for use by the Surface Water Operations Model of the WWUM model to provide timing and location of recharge and depletion within land use zones.

1.2.81 Valid Surface Water Right means land possessing a right to irrigate acres with surface water.

1.2.82 Water Well or Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in Neb. Rev. Stat. § 81-1502 into the underground water reservoir. Water well includes any excavation made for any purpose if ground water flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation. For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation. Water well does not include (1) any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Commission or (2) any structure requiring a permit by the Department used to exercise a surface water appropriation.

1.2.83 Water Year means a one-year period beginning October 1 and ending September 30 of the following year.

1.2.84 Well Construction Permit means a document that must be obtained from the District in accordance with Neb. Rev. Stat. §§ 46-735 to 46-738.

1.2.85 Western Water Use Management Model (WWUM model) means the modeling methodology used by the NPNRD consisting of three models (Regionalized Soil Water Balance Model, Surface Water Operations Model and a Ground Water Model) which simulate the regional aquifer and stream systems and are used to evaluate District water management actions.

1.2.86 Working Day means 8:00 a.m. to 5:00 p.m. Mountain Time, Monday, Tuesday, Wednesday, Thursday, and Friday of any week, excluding holidays observed by the District as described in the District personnel policy.

1.3 Well Construction Permits

1.3.1 Any person who intends to construct a regulated well within the Management Area shall apply for a well construction permit from the District.

1.3.2 Applications for a permit must be completed and signed by the applicant and filed with the District on forms provided by the District. Once the District receives a completed application, the application shall be reviewed and approved, approved with conditions, or denied within thirty (30) days after the completed application is filed.

1.3.2.1 The applicant shall pay a non-refundable permit application fee of fifty dollars ($50) to the District. Such fee shall accompany the permit application form.

1.3.3 Any person who fails to obtain a permit pursuant to Rule 1.3 shall make application for a late permit on forms provided by the District, and shall pay a non-refundable late application fee of two hundred fifty dollars ($250) to the District.

1.3.4 If the applicant receives a permit from the District, the applicant shall commence construction as soon as possible after the date of approval and shall complete construction and equip the water well

within six (6) months of approval. If the applicant fails to complete the project under the terms of the permit, the District shall cancel the permit.

1.3.5 An application for a permit or late permit shall be denied only if the District finds (1) that the location or operation of the proposed water well or other work would conflict with any rules and regulations adopted by the District, (2) that the proposed use would not be a beneficial use of water, or (3) in the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit.

1.4 Moratorium on Well Construction Permits and New or Expanded Uses

1.4.1 The expansion of irrigated acres and increases in the consumptive use of ground water withdrawn from regulated wells is prohibited within the Management Area unless the District approves an offset, which shall be provided by the landowner or the entity responsible for the offset under the provisions of Neb. Rev. Stat. § 46-740, that mitigates all third party impacts and results in no new depletions to the North Platte River and its tributaries within the District.

1.4.2 Well construction permits for new regulated wells will not be issued unless at least one of the following conditions is met: (1) the construction of a new regulated well is subject to Neb. Rev. Stat. § 46-740; (2) an approved District transfer permit includes a transfer of the point of ground water withdrawal; (3) the construction of a new regulated well is for purposes of a backup well pursuant to Rule 1.5; or (4) the applicant has provided a District-approved offset for the construction of a new regulated well.

1.4.2.1 Well construction permits will be issued for replacement wells only if provisions of state law and the District's rules and regulations are met.

1.4.2.2 Well construction permits may be issued in cases where certified irrigated acres have been severed from the regulated irrigation well(s) certified to those acres due to (1) a change in ownership of the severed certified irrigated acres and/or the regulated well(s) and no other ground water source exists for the severed certified irrigated acres or (2) the degradation of a ground water conveyance structure that is part of an easement with a railroad or a government entity.

1.4.2.2.1 The regulated well that is constructed to serve the severed certified irrigated acres shall be considered a special circumstance replacement well.

1.4.2.2.2 Withdrawal and use of ground water from a special circumstance replacement well shall not result in an increase in consumptive use.

1.4.2.2.3 The capacity of the special circumstance replacement well cannot be greater than the capacity, as shown in the DNR well registration records, of the regulated irrigation well(s) certified to the severed certified irrigated acres.

1.5 Backup Wells

1.5.1 Backup well(s) may be permitted and operated subject to the following conditions:

1.5.1.1 Backup wells cannot be located in the Pumpkin Creek Basin Ground Water Management Subarea.

1.5.1.2 Backup wells can be used for industrial/commercial purposes only.

1.5.1.3 The pumping capacity of the backup well(s) cannot exceed the pumping capacity of the primary well(s).

1.5.1.4 The backup well(s) must be located within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model as the primary well(s).

1.5.1.5 The backup well(s) can be used only for the certified use of the primary well(s).

1.5.1.6 The primary well(s) and backup well(s) shall be considered as one well for purposes of Chapter 6.

1.5.1.7 The backup well(s) cannot be operated while the primary well(s) is (are) 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.

1.6 Temporary Ground Water Use Permits

1.6.1 A temporary ground water user and/or landowner who intends to withdraw ground water from a regulated well with an associated certified use for energy exploration and development, or construction purposes for a period of less than or equal to six (6) months shall apply to the District, on forms provided by the District, for a temporary ground water use permit.

1.6.2 Applications for a temporary ground water use permit must be completed and signed by the landowner and the temporary ground water user and filed with the District. Once the District receives a completed application, the application shall be reviewed and approved, approved with conditions, or denied within thirty (30) working days after the completed application is filed.

1.6.2.1 The applicant shall pay a non-refundable permit application fee of one thousand dollars ($1,000) to the District. Such fee shall accompany the permit application form.

1.6.3 The applicant must provide the nature, duration, timeframe and estimate of the withdrawal amount of the temporary ground water use on the temporary ground water use permit application form provided by the District.

1.6.4 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 certified use has been granted an exemption from the allocation; (3) the remaining available water is insufficient to supply the estimated amount of the temporary ground water use; or (4) any other circumstance in violation of the District rules and regulations or federal or state law.

1.6.5 Temporary ground water use permits shall expire six (6) months after the approval date.

1.6.6 Temporary ground water use permits can only be issued for regulated wells located within the overappropriated portion of the District, including the Pumpkin Creek Basin Ground Water Management Subarea.

1.6.7 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 and associated available water overdraft penalty will be assessed during the next allocation period in accordance with Chapters 6 or 7 of these rules and regulations.

1.6.8 If the project for which the temporary ground water use has been granted is not 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 apply to the District for an extension at least thirty (30) working days prior to the expiration date of the permit.

1.6.9 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 signed by the landowner and the temporary ground water user and specify the reasons the extension is needed and the estimated amount of ground water withdrawal during the extension period.

1.6.9.1 The applicant shall pay a non-refundable extension application fee of one thousand dollars ($1,000) to the District. Such fee shall accompany the extension application form.

1.7 Improper Irrigation Runoff

1.7.1 All ground water users are prohibited from allowing improper runoff of irrigation water.

1.7.2 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 improper ground water irrigation runoff, including, but not limited to:

1.7.2.1 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;

1.7.2.2 Construction of a runoff collection and/or retention system, such as a sump or 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;

1.7.2.3 Blocking of rows or field borders to contain irrigation water within the property under the direct supervision or control of the ground water user;

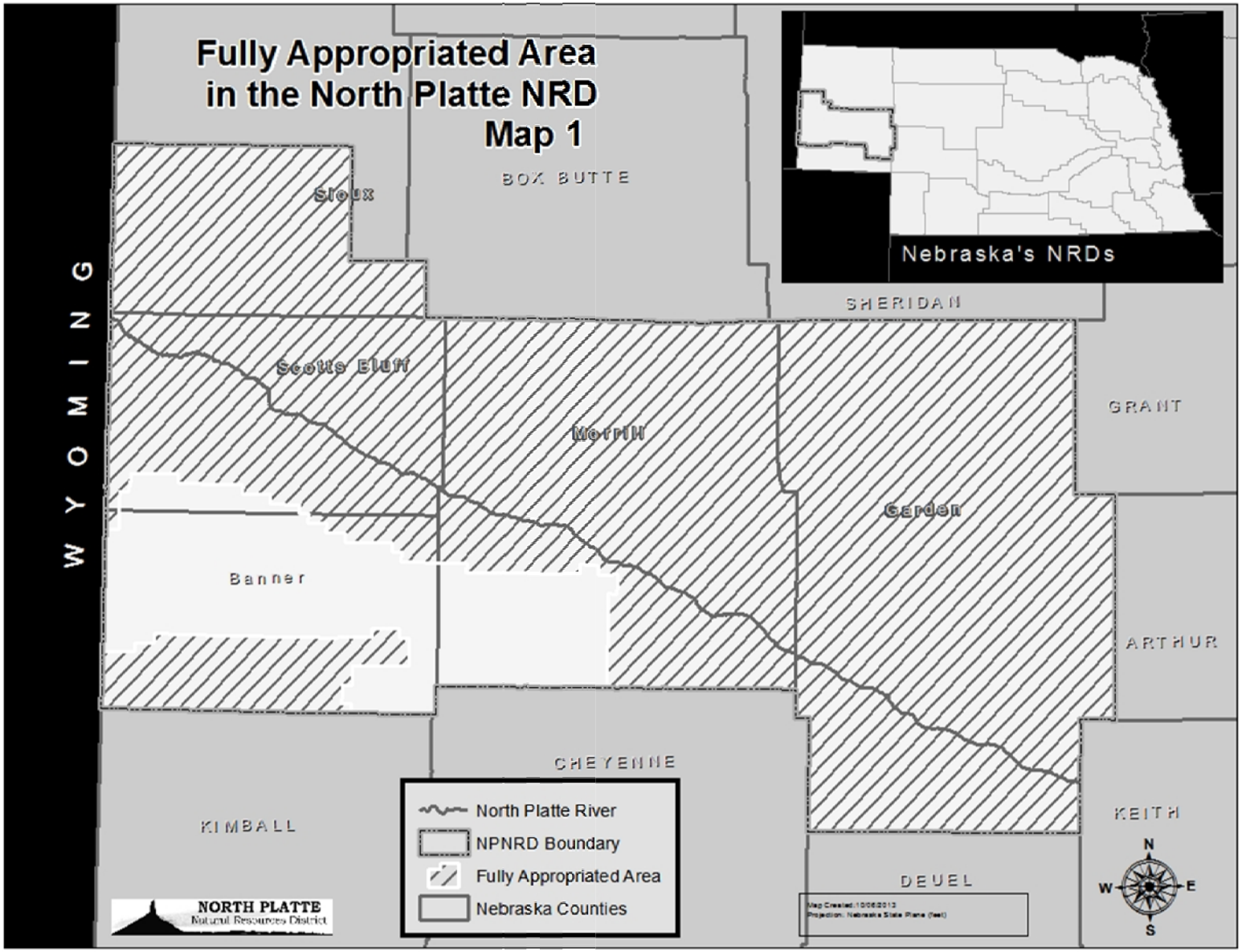
1.7.2.4 The execution and performance of an agreement between two or more persons and approved by the District for utilization of any irrigation runoff water in accordance with Rule 1.7.3 of these rules and regulations; or

1.7.2.5 Any other procedure or measure deemed acceptable by the District.

1.7.3 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.

1.7.3.1 When such 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.

1.7.3.2 The 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 the 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.


Fully Appropriated Area
in the North Platte NRD
Map 1
Nebraska's NRDs
WYOMING
Sioux
BOX BUTTE
SHERIDAN
Scotts Bluff
Morrill
GRANT
Garden
Banner
ARTHUR
CHEYENNE
KIMBALL
KEITH
DEUEL
North Platte River
NPNRD Boundary
Fully Appropriated Area
Nebraska Counties
NORTH PLATTE
Natural Resources District
N
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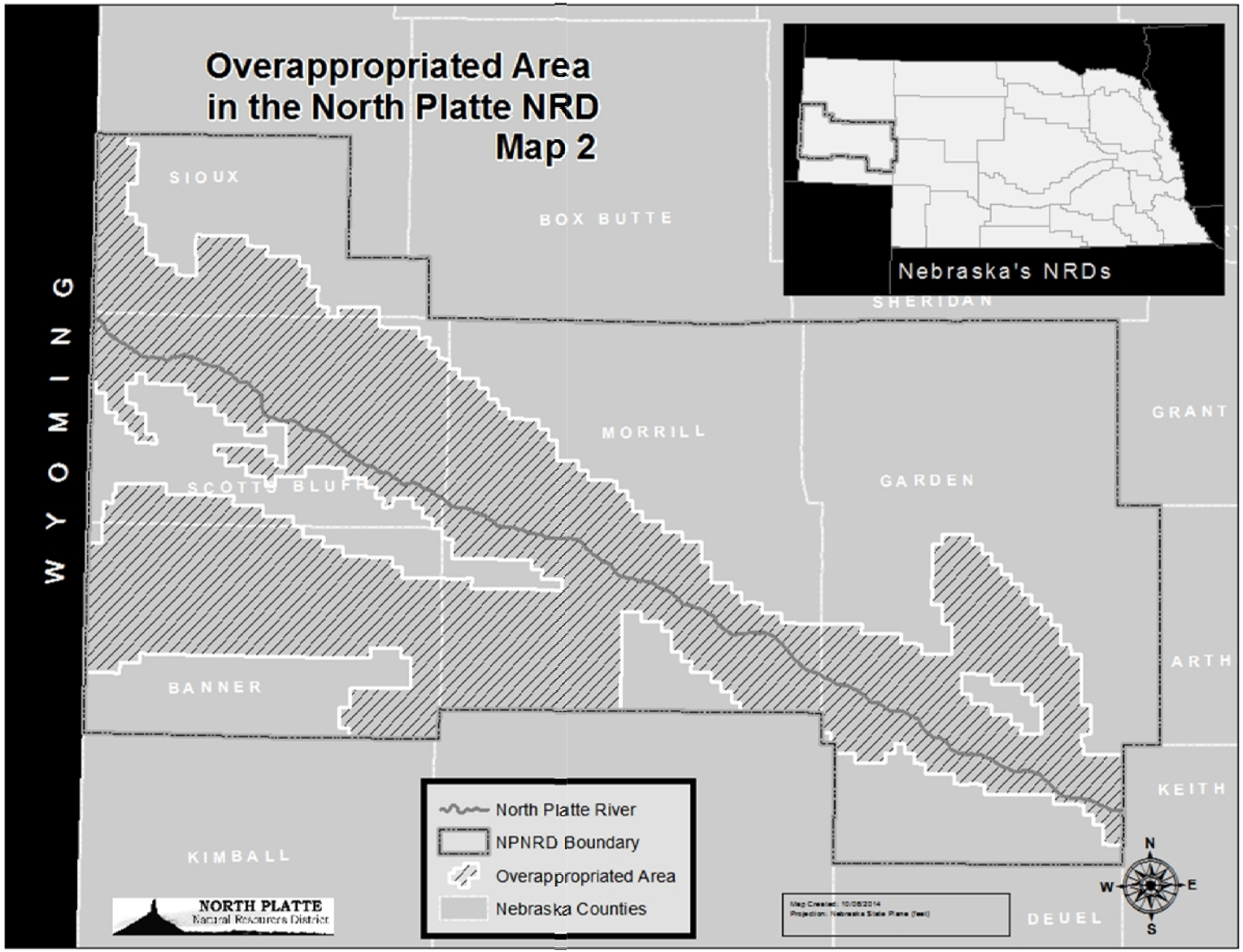
Overappropriated Area
in the North Platte NRD
Map 2
Nebraska's NRDs
WYOMING
SIOUX
BOX BUTTE
SHERIDAN
GRANT
MORRILL
GARDEN
SCOTTS BLUFF
BANNER
ARTH
KEITH
KIMBALL
DEUEL
North Platte River
NPNRD Boundary
Overappropriated Area
Nebraska Counties
NORTH PLATTE
Natural Resources District
N
W
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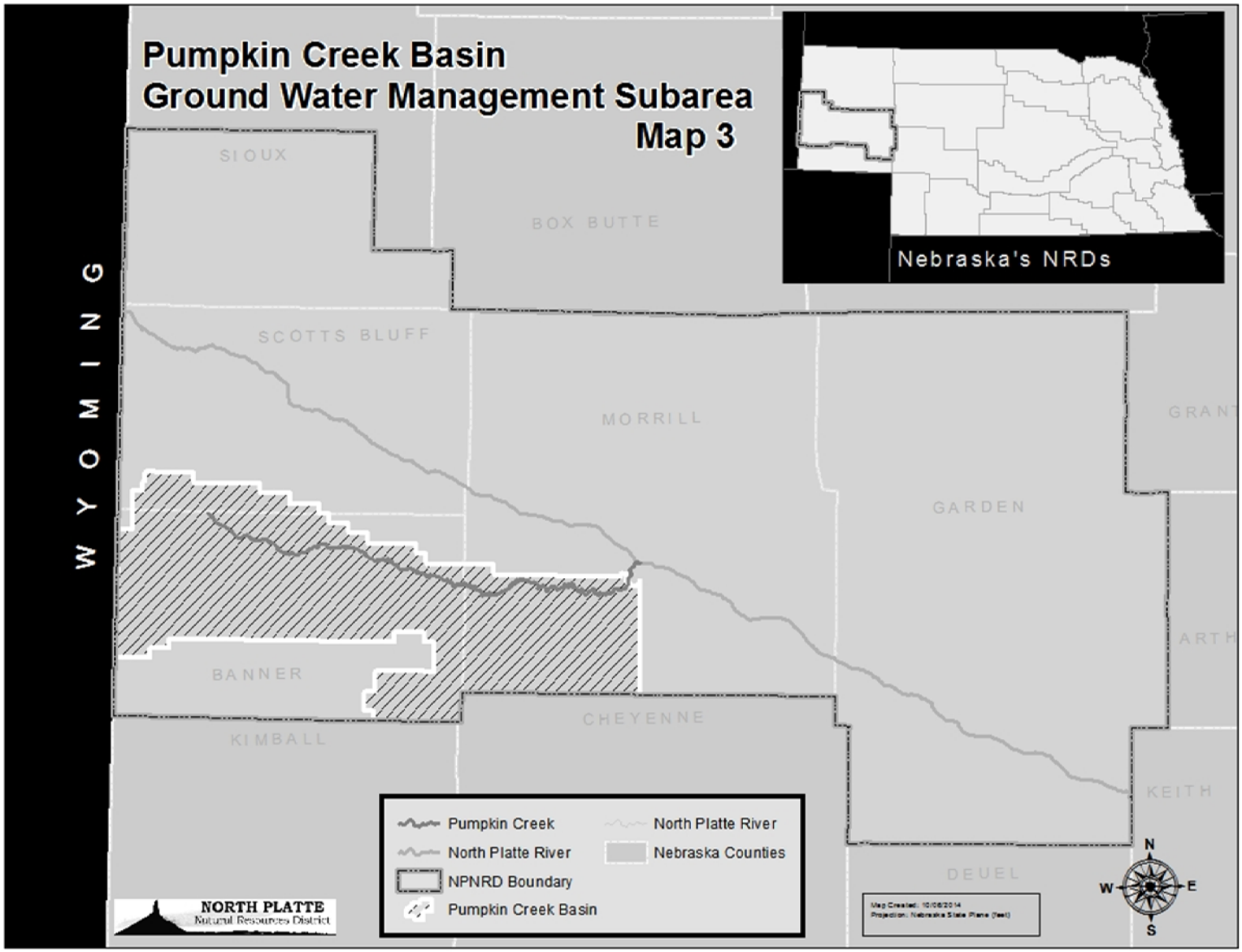
Pumpkin Creek Basin
Ground Water Management Subarea
Map 3
Nebraska's NRDs
WYOMING
SIOUX
BOX BUTTE
SCOTTS BLUFF
MORRILL
GRANT
GARDEN
ARTHUR
BANNER
CHEYENNE
KIMBALL
KEITH
DEUEL
Pumpkin Creek
North Platte River
NPNRD Boundary
Pumpkin Creek Basin
North Platte River
Nebraska Counties
NORTH PLATTE
Natural Resources District
N
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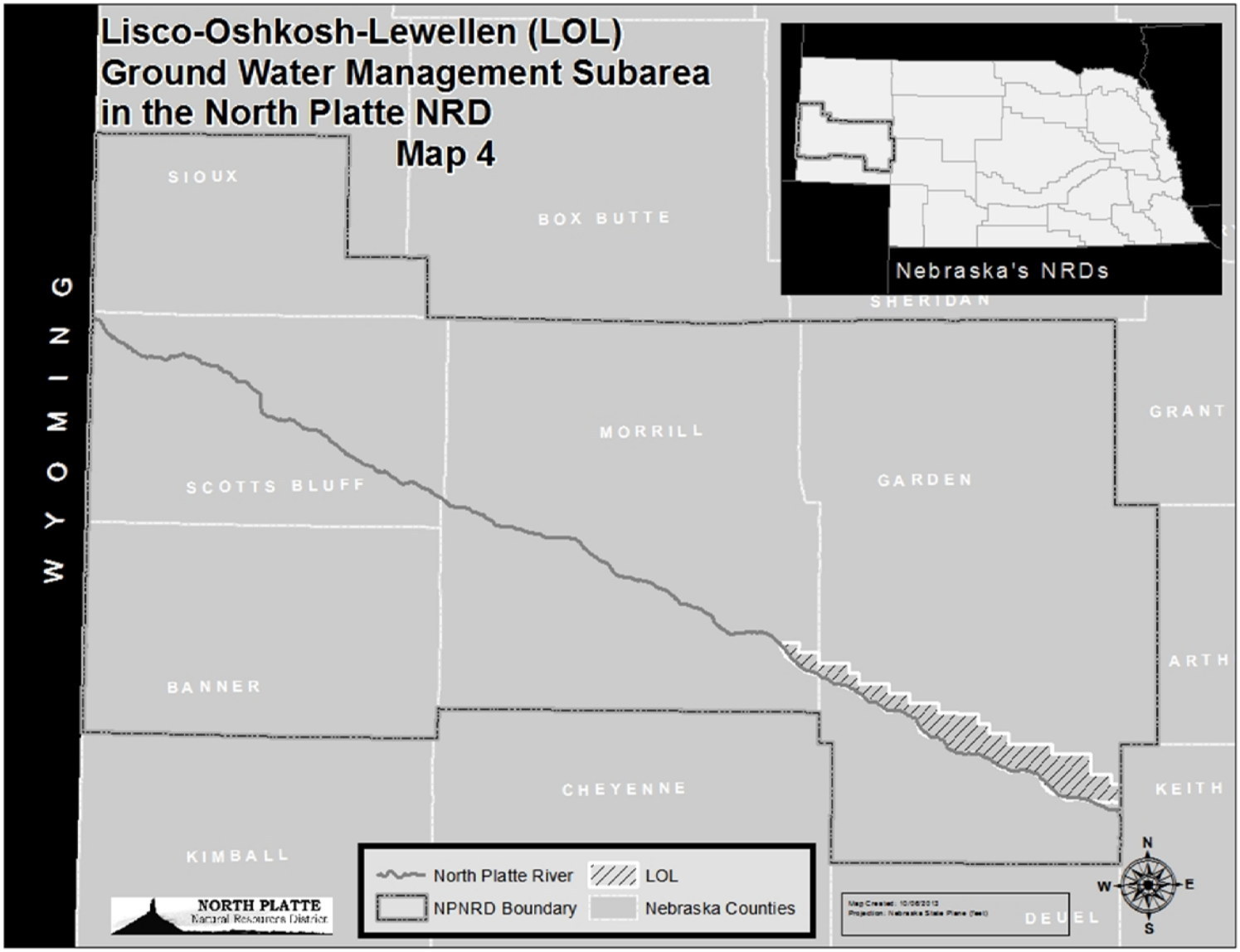
Lisco-Oshkosh-Lewellen (LOL)
Ground Water Management Subarea
in the North Platte NRD
Map 4
Nebraska's NRDs
WYOMING
SIOUX
BOX BUTTE
SHERIDAN
GRANT
MORRILL
SCOTTS BLUFF
GARDEN
BANNER
ARTH
CHEYENNE
KEITH
KIMBALL
DEUEL
North Platte River
LOL
NPNRD Boundary
Nebraska Counties
NORTH PLATTE
Natural Resources District
N
W
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S

Chapter 1 – General Provisions was adopted by Order No. NPNRD-1 on April 11, 1996, effective on July 10, 1996; amended by Order No. NPNRD-2, effective September 18, 1997; amended by Order No. NPNRD-13 effective, January 11, 2008; amended by Order No. NPNRD-14, effective August 7, 2008; amended by Order No. NPNRD-15, effective January 12, 2009; amended by Order No. NPNRD-19, effective March 29, 2010; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014. .

CHAPTER 2 – PROCEDURES FOR ENFORCEMENT

2.1 General Enforcement Procedures

2.1.1 The Board of Directors or the District General Manager may, at any time, initiate an investigation for the enforcement of these rules and regulations, when conditions warrant, within the jurisdiction of the District.

2.1.2 The Board may 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.

2.2 Entering Upon Property

2.2.1 Employees or designated agents 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 and regulations, the Nebraska Ground Water Management and Protection Act (Act) or other current applicable statutes.

2.3 Violations

2.3.1 The District shall enforce the provisions of the Act and all rules and regulations adopted pursuant thereto by voluntary compliance, the issuance of cease and desist orders, and/or penalties, in accordance with the procedures hereinafter specified.

2.3.1.1 Cease and desist orders shall be enforced by bringing appropriate actions in the District Court of the county in which any violations occur.

2.3.2 Cease and desist orders may be issued, penalties may be assessed, or voluntary compliance procedures may be invoked for one or more of the following reasons:

2.3.2.1 The withdrawal and/or use of ground water that has not been certified in accordance with District rules and regulations;

2.3.2.2 Expansion of irrigated acres and/or increases in the consumptive use of ground water withdrawn from regulated wells without consent of the District;

2.3.2.3 Failure to install and/or maintain a flow meter in accordance with District rules and regulations;

2.3.2.4 Tampering, such as breaking the NRD seal, obstructing, modifying or taking any action for the purpose of producing an inaccurate or incorrect flow meter reading or taking any other action that would prevent the District from obtaining an accurate measurement of actual ground water withdrawn from a regulated well;

2.3.2.5 Operation of an irrigation system in the Management Area or a Subarea in non-compliance with the allocated use of ground water as prescribed in District rules and regulations;

2.3.2.6 Construction or operation of an illegal well as defined in District rules and regulations;

2.3.2.7 Failure by any landowner or operator in the Management Area or a Subarea to submit any information, reports or forms that may be required by District rules and regulations;

2.3.2.8 Operation of an irrigation system in a manner which allows for improper irrigation water runoff; and

2.3.2.9 Any other violation of any rules and regulations adopted by the Board.

2.3.3 In assessing a sanction, the District shall consider the degree and extent of the violation; whether the violator has been previously determined to have violated a cease and desist order, rules, or regulations of the District; the urgency of remedial action; and any economic benefit derived from non-compliance.

2.4 Penalties

2.4.1 The Board may assess penalties following the approval of a compliance plan and schedule of implementation pursuant to Rule 2.9 or the issuance of a cease and desist order.

2.4.2 Penalties may consist of, but are not limited to, any one or more of the following:

2.4.2.1 Reduction of ground water allocation, in whole or in part, for a period to be specified by the Board, which is not limited to the current allocation period;

2.4.2.2 Reduction of carryforward from the previous allocation period, in whole or in part; and

2.4.2.3 Reduction in the number of certified irrigated acres in a certified irrigated tract, in whole or in part.

2.5 Filing of Complaints

2.5.1 A written complaint alleging violation of these rules and 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; any non-resident person who can show that the actions of any landowner, operator or both within the District directly affects him/her; the District compliance officer; or the Board on its own motion.

2.5.1.1 Complaints shall be filed at the District office on complaint forms provided by the District.

2.6 Notification of Alleged Violator and Inspection

2.6.1 Upon receipt of a properly filed complaint under Rule 2.5, the District compliance officer shall notify the alleged violator and provide a copy of the complaint, in person or via certified mail, within ten (10) working days of the filing of the complaint.

2.6.2 The compliance officer may designate an inspector if the compliance officer determines that an inspection is necessary to determine whether the landowner, operator or both is or was, at the time complained of, in violation of District rules and regulations.

2.6.2.1 Any inspector so designated shall conduct an investigation as soon as possible after the complaint has been filed and the alleged violator notified. The alleged violator shall be given an opportunity to accompany the inspector during the investigation.

2.7 Report of Findings

2.7.1 Upon completion of the investigation, the inspector shall provide a copy of the findings to the compliance officer.

2.7.2 If the compliance officer finds that there is reasonable cause to believe that a landowner, operator or both is or was, at the time complained of, in violation of District rules and regulations, the compliance officer shall notify the alleged violator and the complainant, if other than the Board or the District compliance officer, in person or via certified mail, of the inspector's findings.

2.7.2.1 The notice of the inspector's findings shall include the date of the Board's next regular or special meeting date scheduled at least five (5) days subsequent to delivery of said notice. The notice shall also include a recommended compliance plan and schedule of implementation prepared by the District and specify options available to the alleged violator.

2.8 Options for Alleged Violators

2.8.1 Alleged violators shall be notified of and have the following available options:

2.8.1.1 Within fifteen (15) working days following notification provided pursuant to Rule 2.7, respond in writing to the General Manager to agree with and accept as true and correct the compliance officer's findings that the alleged violation(s) has in fact occurred or is occurring, agree to cease and desist from continuing or allowing the reoccurrence of such violation and either agree with the recommended compliance plan and schedule of implementation from the District or submit an alternative compliance plan and schedule of implementation for District review.

2.8.1.2 Reject the compliance officer's findings and request in writing to the General Manager within fifteen (15) working days following the date of the notification provided pursuant to Rule 2.7 that a hearing be scheduled and conducted regarding such findings.

2.9 Voluntary Compliance

2.9.1 If the alleged violator provides written documentation to the General Manager that he/she accepts the findings of the compliance officer, agrees to cease and desist from continuing or allowing the reoccurrence of such violation and agrees with the recommended compliance plan and schedule of implementation from the District, the compliance officer will provide written notification to the alleged violator, via certified mail, of the General Manager's approval for the alleged violator to proceed with the compliance plan and schedule of implementation.

2.9.2 If the alleged violator has submitted to the General Manager in writing an alternative compliance plan and schedule of implementation, the compliance officer shall review the complaint and subsequent accompanying documentation to determine whether the alternative compliance plan and schedule of implementation submitted by the alleged violator will, when implemented, bring the alleged violator into compliance with District rules and regulations.

2.9.2.1 If the compliance officer determines that the alternative compliance plan and schedule of implementation submitted by the alleged violator will, when implemented, bring the alleged violator into compliance with District rules and regulations, such alternative compliance plan and schedule of implementation will be approved by the General Manager and the compliance officer shall provide written notification to the alleged violator, via certified mail, of such approval.

2.9.2.2 If the compliance officer determines that implementation of the alternative compliance plan and schedule of implementation submitted by the alleged violator would be inadequate to bring the alleged violator into compliance with District rules and regulations, the compliance officer shall provide written notification to the alleged violator, in person or via certified mail, that the proposed alternative has not been approved by the General Manager and shall include in the notice proposed modifications to the alternative compliance plan and/or schedule of implementation as needed to obtain compliance with District rules and regulations.

2.9.2.2.1 An alleged violator shall have fifteen (15) working days from the receipt of the proposed modifications to the alternative compliance plan and/or schedule of implementation to provide written notification to the General Manager of his/her consent to such modifications, to agree to negotiate with the compliance officer regarding the modifications or to reject such modifications and request a hearing.

2.9.2.2.1.1 If the alleged violator consents to the modifications to the alternative compliance plan and/or schedule of compliance, the General Manager shall approve the alternative compliance plan and/or schedule of implementation as modified and the compliance officer shall provide written notification to the alleged violator in person or via certified mail of such approval.

2.9.3 The compliance officer or inspector will perform an investigation within ten (10) working days following the time limits set forth in the schedule of implementation to determine whether the provisions of the compliance plan has been met. The alleged violator shall be given an opportunity to accompany the compliance officer or inspector during the inspection.

2.9.3.1 If, based on the results of the investigation, the compliance officer determines that the alleged violator has met the provisions of the compliance plan within the time limits set forth in the schedule of implementation, the complaint will be dismissed by the General Manager and written notice of such dismissal shall be provided to the complainant, if other than the Board or the District compliance officer, and the alleged violator in person or via certified mail.

2.9.3.2 If, based on the results of the investigation, the compliance officer determines that the alleged violator has not met the provisions of the compliance plan within the time limits set forth in the schedule of implementation, a cease and desist order will be issued by the Board.

2.9.3.3 The General Manager's decision to dismiss the complaint may be reviewed by the Board at the request of the complainant.

2.10 Board Action for Failure to Respond or Appear

2.10.1 If an alleged violator has been notified in accordance with Rules 2.6, 2.7, 2.8 or 2.9 and has failed to respond hereunder or has failed to appear at any properly scheduled hearing, the Board shall review the complaint and the inspector's report, as well as any other pertinent information, and issue such order(s) as are deemed appropriate, in accordance with these rules and regulations.

2.11 Actions Following Issuance of Cease and Desist Order

2.11.1 Any alleged violator against whom a cease and desist order has been issued in accordance with these rules and regulations may, within ten (10) working days following receipt of such order, submit in writing to the General Manager a compliance plan and schedule of implementation.

2.11.1.1 The alleged violator may request an extension for submittal of a compliance plan and schedule of implementation. Such request must be submitted in writing to the General Manager and provide the reason(s) behind such request.

2.11.1.1.1 Following receipt of the written request for an extension from the alleged violator, the General Manager may grant an extension of up to ten (10) additional working days for the alleged violator to submit a compliance plan and schedule of implementation if he/she deems such an extension reasonable. Written notice of such extension shall be provided to the alleged violator in person or via certified mail.

2.11.2 The compliance plan and schedule of implementation shall be approved by the General Manager if such compliance plan and schedule of implementation are in accordance with any and all guidance given by the Board at the time of issuance of the cease and desist order. Written notice of such approval shall be provided to the alleged violator in person or via certified mail.

2.12 Board Authorization to Initiate Court Action

2.12.1 The Board shall, at the time it takes any action in accordance with this chapter, designate a representative of the Board to initiate appropriate legal actions in the District Court of the county in which the violation has occurred.

2.12.2 Legal actions will be initiated following the failure of the alleged violator to comply with any orders of the District, meet the extension deadline pursuant to Rule 2.11.1.1.1, or initiate and implement any approved compliance plan and schedule of implementation.

2.13 Hearings Before the Board

2.13.1 All hearings before the Board shall be conducted in accordance with the District's rules and regulations for informal non-adjudicatory public hearings, unless a ground water user requests a formal adjudicatory hearing in writing addressed to the District General Manager, which shall be conducted in accordance with the District's rules and regulations for formal adjudicatory hearings.

Chapter 2 – Procedures for Enforcement was adopted by Order No. NPNRD-1 on April 11, 1996, effective on July 10, 1996; amended by Order No. NPNRD-2, effective September 18, 1997; amended by Order No. NPNRD-13, effective January 11, 2008; amended by Order No. 20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 3 – CERTIFICATION OF GROUND WATER USE

3.1 Certification of Ground Water Use

3.1.1 The withdrawal and/or use of ground water for any purpose from any water well, with the exception of domestic wells, range livestock wells, dewatering wells with an intended use of ninety (90) days or less, test holes, monitoring and observation wells or wells constructed pursuant to a ground water remediation plan under the Environmental Protection Act is not allowed unless that withdrawal and/or use has been certified by the District.

3.2 Changes in Certification

3.2.1 Any change to a certification that does not result in an increase of irrigated acres or consumptive use, due to circumstances such as, but not limited to, a change of property ownership or a change in source of water for the certified use (e.g., ground water only to commingled), will be approved by the General Manager provided all of the provisions of these rules and regulations are met.

3.2.1.1 Changes to municipal and industrial certifications will be approved by the General Manager provided the provisions of Neb. Rev. Stat. § 46-740 and these rules and regulations are met.

3.2.2 Any change to a certification will require the landowner(s) or the person(s) with authority for the certification to sign a rescission form for the original certification and, if applicable, a recertification form for the new certification on forms provided by the District. The District may also rescind a certification based on reliable information from public records or any other source deemed reliable.

3.2.3 The landowner(s) or the person(s) with authority for the certification must notify the District within sixty (60) days following a change of ownership for the certified ground water use or of the acquisition or relinquishment of a surface water right serving the certified ground water use.

3.2.4 When certified irrigated acres within a certified irrigated tract have been severed from the regulated well(s) serving those acres due to a change in ownership, the certification for the irrigated tract will be rescinded and the new tract in which the well is located will be recertified. The severed irrigated acres will not be recertified until an available ground water source for irrigation of those acres is identified. If the landowner(s) of the severed irrigated acres desires to continue using the severed regulated well(s) and have the severed well(s) recertified to those acres, the landowner(s) of the severed irrigated acres shall provide the District with a signed agreement between the well owner and the landowner(s) of the severed irrigated acres to allow the severed regulated well(s) to be used for irrigation purposes on the severed irrigated acres. If there is not an existing agreement between the well owner and the landowner(s) of the severed irrigated acres, the District will provide an agreement form, if requested. If a signed agreement is provided to the District, and all other provisions of these rules and regulations are met, the severed irrigated acres will be recertified with the severed regulated well(s) serving as the ground water source for irrigation of those acres.

3.2.4.1 The landowner(s) of the severed irrigated acres has six (6) months from the date the certified irrigated tract which contained the severed irrigated acres was rescinded to obtain a ground water source and recertify the severed irrigated acres.

3.2.4.1.1 Failure to comply with the provisions of Rule 3.2.4.1 will result in revocation of the ability to recertify the severed irrigated acres.

3.2.5 Upon the enrollment of certified irrigated acres in a permanent retirement program, the certification for the certified irrigated tract containing such acres will be rescinded and the remaining acres within the tract that have not been enrolled in the permanent retirement program, if any, will be recertified.

3.2.6 The Board may rescind any previously approved certification if it finds that (1) the application for certification contained any false or misleading information; (2) that the landowner(s) or person(s) with authority for the certification failed to meet any conditions stipulated in the certification; or (3) the landowner(s) or person(s) with authority for the certification has violated District rules and regulations.

3.2.6.1 If a certification is rescinded by the Board pursuant to Rule 3.2.6, the District shall notify the applicable landowner(s) or person(s) with authority for the certification of such rescission by certified mail.

3.2.6.2 Any landowner(s) or person(s) with authority for the certification aggrieved by a determination of the Board regarding rescission of a certification of ground water use may, in writing addressed to the General Manager, request a hearing before the District for the purpose of reconsidering that decision.

3.2.6.2.1 Such request for a hearing shall be filed with the District within thirty (30) working days of receipt of notice of the Board's action.

Chapter 3 – Certification of Ground Water Uses was adopted by Order No. NPNRD-11 on September 14, 2006, effective October 12, 2006; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 4 – INSTALLATION AND USE OF FLOW METERS

4.1 Flow Meters Required

4.1.1 Flow meters must be permanently installed on all regulated wells within the overappropriated area of the District, including the Pumpkin Creek Basin Ground Water Management Subarea prior to use of ground water.

4.1.2 Flow meters must be permanently installed on all regulated wells within the fully appropriated area of the District, excluding the area which is also designated as overappropriated, by January 1, 2017.

4.1.2.1 District personnel must install a District seal and take an initial reading of the flow meter following the installation of the flow meter in accordance with Rule 4.1.2 and prior to withdrawal of ground water from the regulated well.

4.1.3 Flow meters must be capable of measuring all the ground water withdrawn from each regulated well, or from all regulated wells connected in a series, for each certified use.

4.1.3.1 If a regulated well is used for more than one certified use, the amount of ground water withdrawn from that regulated well for each certified use must be measured by a separate flow meter.

4.1.3.2 In cases where multiple wells serve one irrigation system, the flow meter may be installed on the irrigation system instead of on each regulated well serving the irrigation system.

4.2 Flow Meter Installation

4.2.1 A list of flow meter brands that have been approved by the Board for installation and use within the District is available at the NPNRD office at 100547 Airport Road, P.O. Box 280, Scottsbluff, Nebraska, 69361.

4.2.1.1 Only those flow meters included on such list are allowed to be installed and used and will be considered conforming flow meters.

4.2.1.2 Any flow meters that are not on the approved list of flow meters shall be designated as non-conforming flow meters.

4.2.1.2.1 Flow meters installed prior to January 1, 2012, on a regulated well or irrigation system that are not included on the list of approved flow meters are considered non-conforming meters. These flow meters may remain installed on regulated wells and used until such time as they are no longer able to be repaired and brought into working order to accurately measure the amount of ground water withdrawn from the well. When this situation occurs, the flow meter must be replaced with a flow meter included on the approved list of flow meters and must conform to the specifications contained herein.

4.3 Flow Meter Specifications

4.3.1 Flow meters shall meet the following requirements to be considered conforming flow meters:

4.3.1.1 Each flow meter shall be installed according to the manufacturer's specifications and calibrated to the pipe size. Calibration must maintain an accuracy of plus or minus two (2) percent of normal flow range.

4.3.1.2 The flow meter registry shall have a visual volume-recording totalizer that shall record the volume of ground water withdrawn in acre-inches for irrigation wells and in gallons for other regulated wells.

4.3.1.3 The flow meter registry shall be protected from the elements.

4.3.1.4 Totalizers shall have sufficient capacity to record the quantity of water withdrawn from each regulated well for a period of one (1) year.

4.3.1.5 Totalizers shall be direct reading and the multiplier by which the rate of flow can be determined by timing shall be clearly indicated.

4.3.1.6 The flow meter size, serial number and, if available, the direction of flow shall be clearly stamped on the body of the meter.

4.3.1.7 The inside pipe diameter for which the meter has been calibrated shall be clearly shown on the meter to at least the nearest 0.01 of an inch.

4.3.1.8 Each flow meter shall be installed in a location easily accessible to District personnel.

4.3.1.9 Backflow devices are required where reverse flow occurs through the flow meter.

4.3.1.10 Each flow meter shall have a District seal installed by District personnel.

4.4 Flow Meter Maintenance and Readings

4.4.1 District personnel, or its designated agents, shall have access to each regulated well and flow meter at any reasonable time, following notification to the landowner or operator, to read and record flow meter information, evaluate the performance and accuracy of the flow meter, determine whether such flow meter has been tampered with, or any other appropriate purpose.

4.4.2 Each flow meter shall be kept in good working condition and clear of debris, vegetative growth, or other material that would impede operation, performance or maintenance of the flow meter.

4.4.3 The landowner or the landowner's authorized operator is responsible to ensure that flow meters are fully functional, properly maintained and operational.

4.4.4 The landowner or the landowner's authorized operator shall report any malfunctioning flow meter to the District office in Scottsbluff, Nebraska within twenty-four (24) hours after discovery. Malfunctioning flow meters discovered on any day other than a working day shall be reported before the District office closes on the first working day following the discovery.

4.4.4.1 During the time in which such flow meter is malfunctioning or has been removed from the regulated well for service, repair or replacement, the landowner or the landowner's authorized operator shall use a method approved by the District to determine the volume of water withdrawn from the regulated well.

4.4.4.2 The landowner or the landowner's authorized operator shall make a diligent effort to put the flow meter back into service as soon as possible or to replace it if it cannot be repaired.

4.4.5 The landowner or the landowner's authorized operator shall obtain approval from the District prior to removal of the District seal for any reason.

4.4.6 The landowner or the landowner's authorized operator shall notify the District when a flow meter has been replaced, so that the replaced flow meter can be resealed by District personnel prior to use of the regulated well.

4.4.7 The District may require the landowner or operator to provide information that will enable District personnel to determine the amount of energy used to operate any regulated well on which a flow meter has been installed. Such information shall be provided upon request, or the landowner and/or operator may authorize District personnel to obtain such information from the entity providing energy to the regulated well. The District may request such information if a flow meter is malfunctioning or if there is reason to believe that the flow meter reading is incorrect. If any power source on a regulated well is equipped with an hour meter, the District may require the landowner and/or operator to provide the appropriate reading from said hour meter.

4.4.7.1 If the District requires the landowner or operator to provide information pursuant to Rule 4.4.7 due to a flow meter that has malfunctioned during a water year, a rate of flow test on the regulated well shall be performed by District personnel. This measurement will be used with the information obtained pursuant to Rule 4.4.7 to determine the amount of ground water use for the certified ground water use for the water year in which the flow meter on the regulated well malfunctioned.

4.4.7.2 The landowner or operator will be contacted by District personnel to schedule an appointment to conduct the rate of flow test. If District personnel are unable to contact the landowner or operator personally, via telephone or other readily available means, the District will provide written notification to the landowner, sent via certified mail to the most recent address contained in District records, requiring the landowner to schedule an appointment to conduct the rate of flow test.

4.4.7.3 Failure to provide the information as requested from District personnel, pursuant to Rule 4.4.7, or to schedule and conduct the rate of flow test with District personnel, shall result in the suspension of ground water withdrawal from the regulated well until such time as the information pursuant to Rule 4.4.7 is provided and the rate of flow test is conducted.

4.5 Flow Meter Violations

4.5.1 It shall be a violation of these rules and regulations for any person to willfully damage, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere with or tamper with any flow meter without the consent of the District General Manager or his/her designee, or to cause, procure, or direct any other person to do so.

4.5.2 Removing, damaging, or unfastening any seal placed on a flow meter by the District, without prior consent from the District General Manager or his/her designee, will be considered to be tampering with a flow meter.

Chapter 4 – Installation and Use of Flow Meters was adopted by Order No. NPNRD-12 on March 8, 2007, effective April 5, 2007; amended by Order No. NPNRD-13 effective, January 11, 2008; amended by

Order No. NPNRD-15, effective January 12, 2009; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 5 – TRANSFERS OF GROUND WATER

5.1 Area Designation and Boundaries

5.1.1 The area subject to Chapter 5 of these Rules and Regulations is the entire geographic area designated as the overappropriated area of the District, with the exception of the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order NPNRD-4.

5.2 Excluded Ground Water Uses

5.2.1 Domestic, range livestock, energy exploration and development, or construction uses subject to Rule 1.6 are not subject to Chapter 5 of these Rules and Regulations.

5.3 Provisional Transfer Permit

5.3.1 Public water supply and industrial/commercial ground water uses are not subject to Rule 5.3.

5.3.2 Any person who intends to transfer (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new ground water use to an existing certified ground water use; or (5) any combination thereof, shall submit a provisional transfer permit application (PTPA) to the District, on forms provided by the District.

5.3.2.1 A separate PTPA form shall be filed with the District for each proposed transfer.

5.3.2.1.1 In cases where multiple concurrent transfers are required in order to execute a proposed transfer which is dependent on the implementation of another proposed transfer(s) (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 PTPA form is required for all such concurrent proposed transfers.

5.3.2.2 The PTPA form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity [PTPA applicant(s)].

5.3.2.3 The completed PTPA form must be submitted to the District and accompanied by a non-refundable application fee of one thousand dollars ($1,000).

5.3.3 District approval of the PTPA is dependent on conformance with the following criteria, if applicable:

5.3.3.1 Each regulated well(s) and at least a portion of each certified irrigated tract(s) or location(s) of a certified ground water use(s) to be included in the transfer must be within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and, if applicable, within the boundaries of the same irrigation district or land served by a mutual irrigation company.

5.3.3.2 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(s), and the surface water right appurtenant to those acres are transferred together to a location that is within the same

irrigation district or mutual irrigation company as the location of the commingled certified irrigated acres that were transferred.

5.3.3.2.1 The applicable irrigation district or mutual irrigation company must provide documentation that the commingled certified irrigated acres to be transferred have a valid surface water right, and that the location to which the commingled certified irrigated acres will be transferred is within that same irrigation district or mutual irrigation company and is eligible for surface water delivery.

5.3.3.2.2 In the case of a private surface water appropriation, the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well(s) and the private surface water appropriation may be transferred together to a location that is (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles of the commingled certified irrigated acres proposed for transfer.

5.3.3.3 Commingled certified irrigated acres and the associated point of ground water withdrawal from a regulated well(s) may be transferred to location currently possessing a valid surface water right, provided the location is within the boundaries of the same irrigation district or land served by the same mutual irrigation company as the commingled certified irrigated acres that were transferred.

5.3.3.3.1 The applicable irrigation district or mutual irrigation company must provide documentation that the commingled certified irrigated acres to be transferred have a valid surface water right, and that the location to which the commingled certified irrigated acres will be transferred is within the same irrigation district or mutual irrigation company and is eligible for surface water delivery.

5.3.3.3.2 In the case of a private surface water appropriation, the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well(s) and the private surface water appropriation may be transferred together to a location that is (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles of the commingled certified irrigated acres proposed for transfer.

5.3.3.4 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.

5.3.3.5 The information provided by the PTPA applicant(s) on the PTPA form must correspond to existing information on file with the District and, if applicable, the Department and the appropriate irrigation district or mutual irrigation company.

5.3.3.6 The regulated well(s) identified on the PTPA form 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 PTPA filing date, as evidenced by District ground water withdrawal records.

5.3.3.7 The transfer will not result in an increase of irrigated acres.

5.3.3.8 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.

5.3.3.9 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.

5.3.4 The General Manager will make a decision within forty-five (45) working days, following receipt of a completed PTPA form, to approve or deny the PTPA.

5.3.4.1 The District will provide written notification of the approval or denial of the PTPA to all PTPA applicant(s), via certified mail, within fifteen (15) working days of the decision by the General Manager.

5.3.5 A minimum of one PTPA applicant(s), may withdraw the PTPA at any time during the application process by providing written notification to the District of their desire to withdraw the PTPA.

5.3.5.1 Within fifteen (15) working days following receipt of a notice to withdraw the PTPA, pursuant to Rule 5.3.5, the General Manager will dismiss the PTPA, and the District will provide written notice of such dismissal to all PTPA applicant(s), via certified mail.

5.3.6 The proposed transfer or any part thereof, as described in the PTPA, shall not occur prior to approval of a transfer permit application. The approved PTPA conveys only the eligibility of an applicant to file an application for a transfer permit, pursuant to Rule 5.4.2.

5.4 Transfer Permit Application

5.4.1 Public water suppliers and industrial/commercial users, prior to the initiation of a project with the intent to transfer (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new use to an existing certified ground water use; or (5) any combination thereof, shall submit a transfer permit application (TPA) to the District, on forms provided by the District.

5.4.2 Any person receiving an approved PTPA may submit a TPA to the District, on forms provided by the District.

5.4.3 A separate TPA form shall be filed with the District for each proposed transfer.

5.4.3.1 In cases where multiple concurrent transfers are required in order to execute a proposed transfer which is dependent on the implementation of another proposed transfer(s) (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 TPA form is required for all such concurrent proposed transfers.

5.4.3.2 The TPA form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity [TPA applicant(s)].

5.4.3.3 The completed TPA form shall be submitted to the District and accompanied by a non-refundable application fee of ten thousand dollars ($10,000).

5.4.3.3.1 If the cost of the WWUM modeling analysis, pursuant to Rule 5.5, exceeds the non-refundable TPA 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 TPA application fee will be paid by the TPA applicant(s) to the District.

5.4.3.3.1.1 Within five (5) working days of the District's receipt of the modeling analysis invoice from District's modeling consultant, the District will send, via certified mail, an invoice to all TPA applicant(s) for the dollar amount, as determined in Rule 5.4.3.3.1. Full payment of the amount specified on the invoice sent to the TPA applicant(s) must be received in the District office within thirty (30) days of the invoice date.

5.4.3.3.1.1.1 Failure to pay the invoice from the District, pursuant to Rule 5.4.3.3.1.1, will result in enforcement actions, in accordance with Chapter 2 of these Rules and Regulations.

5.4.3.4 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 (1) the land from which the certified ground water use will be transferred and (2) the land to which the certified ground water use will be transferred shall be submitted with the TPA form.

5.4.3.4.1 Such reports of title shall be issued by an attorney or a registered abstractor and shall include the owner(s) and legal description(s) of the properties subject to Rule 5.4.3.4 and the existence of all 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.

5.4.1.4.2 Transfers for public water suppliers and proposed transfers of four (4) certified irrigated acres or less are exempt from Rule 5.4.3.4.

5.5 Transfer Permit Approval Conditions

5.5.1 The proposed transfer, as identified in the TPA, shall be analyzed using the Western Water Use Management (WWUM) model 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.

5.5.1.1 If the WWUM model analysis of the proposed transfer shows that an adverse impact(s) will result from the implementation of the proposed transfer and a mitigation action is not available, the General Manager will deny the TPA and provide all TPA applicant(s) written notification, via certified mail, of such denial within fifteen (15) working days following receipt of the WWUM model analysis report.

5.5.1.2 If the WWUM model analysis of the proposed transfer shows that an adverse impact(s) will result from the implementation of the proposed transfer and a mitigation action is available, the District will, within fifteen (15) working days following receipt of the WWUM model analysis report, provide written notification, via certified mail, to all TPA applicant(s) describing the available TPA options and the mitigation action.

5.5.1.3 A minimum of one TPA applicant(s) shall provide written notice to the District within fifteen (15) working days of receipt of the notice from the District, pursuant to Rule 5.5.1.2, of their desire to withdraw or proceed with the TPA.

5.5.1.3.1 If the TPA applicant(s) provide notice to the District, pursuant to Rule 5.5.1.3, of the intention to withdraw the TPA, the General Manager, within fifteen (15) working days following receipt of such notice, will dismiss the TPA and provide written notice of such dismissal, via certified mail, to all TPA applicant(s).

5.5.1.3.2 If the TPA applicant(s) provide notice to the District, pursuant to Rule 5.5.1.3, of the intention to proceed with the TPA, the District, within (15) working days following receipt of such notice, will provide written notification, via certified mail, to all TPA applicant(s) acknowledging the date the District received the notice and the intention to proceed with the TPA.

5.5.2 District approval of the TPA, pursuant to Rule 5.6, is dependent on completion of the following requirements, if applicable, within one hundred eighty (180) days following the date specified in the District notice issued in accordance with Rule 5.5.1.3.2:

5.5.2.1 The regulated well(s), associated with the original certified ground water use or point of ground water withdrawal that has been transferred, as identified on the TPA form, 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 minims use approved by the District, and the appropriate forms filed with the Department.

5.5.2.2 The original certification(s) 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.

5.5.2.3 The 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 the transfer must be certified.

5.5.2.3.1 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(s), the new well(s) must be constructed and registered with the Department prior to certification.

5.5.2.4 Completed subordination agreement(s) from any lienholders identified in the reports of title, submitted pursuant to Rule 5.4.3.4, of the property or properties from which and to which the location of a certified ground water use from a regulated well have been transferred, shall be filed with the District.

5.5.2.5 A minimum of one TPA applicant(s) shall contact the District within thirty (30) working days following receipt of notice from the District, pursuant to Rule 5.5.1.3.2, 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 WWUM model analysis report.

5.5.2.5.1 The completed transfer mitigation agreement shall be signed by the General Manager and all TPA applicant(s). The term of the agreement shall be from the agreement execution date to the end of the one hundred eighty (180) day period, as specified in Rule 5.5.2, unless the agreement specifically provides otherwise.

5.5.2.6 The TPA applicant(s) have paid the amount of the difference between the non-refundable TPA application fee and the actual cost of the WWUM modeling analysis within thirty (30) days of the date of the invoice, pursuant to Rule 5.4.3.3.1.

5.5.3 When the applicable requirements under Rule 5.5.2 have been met, a minimum of one TPA applicant(s) 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, as specified in Rule 5.5.2.

5.5.3.1 Failure to provide notice pursuant to Rule 5.5.3 will result in the TPA being dismissed by the General Manager. The District will provide written notification of such dismissal, via certified mail, to all TPA applicant(s) within fifteen (15) working days following the TPA dismissal.

5.5.4 A minimum of one TPA applicant(s), may withdraw the TPA at any time during the TPA process by providing written notification to the District the desire to withdraw the TPA.

5.5.4.1 Within fifteen (15) working days following receipt of a notice to withdraw the TPA, pursuant to Rule 5.5.4, the General Manager will dismiss the TPA and provide written notification of such dismissal, via certified mail, to all TPA applicant(s).

5.6 Transfer Permit Approval

5.6.1 Within thirty (30) working days following District receipt of the notice pursuant to Rule 5.5.3, the General Manager will make a decision to approve or deny the TPA.

5.6.1.1 The District will provide written notification of the approval or denial of the TPA to all TPA applicant(s), via certified mail, within ten (10) working days of the decision by the General Manager.

5.6.1.2 If applicable, the TPA applicant(s) must, within fifteen (15) days of receipt of the notice from the District, pursuant to Rule 5.6.1.1, complete and return to the District the necessary forms, provided by the District, for recording the transfer with the register of deeds in the county or counties for the locations from which and to which the transfer occurred.

5.6.2 If the TPA has been dismissed or denied, the following provisions, if applicable, shall be implemented:

5.6.2.1 Any well construction permit(s) associated with the transfer that was issued between the date of the PTPA approval and the date of the dismissal or denial of the TPA shall be cancelled.

5.6.2.2 Any well(s) constructed for the purpose(s) of the transfer shall 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.

5.6.2.3 If the provisions of Rule 5.5.2.3 and/or Rule 5.5.2.2 have been completed or are in the process of being completed, the District will take the necessary actions to return the certifications to pre-transfer conditions.

5.7 Public Water Supplier Transfers

5.7.1 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 General Manager will not take action to approve, deny or cancel the TPA until after the issuance of an Order by the Department approving or denying the municipal and rural domestic transfers permit.

5.7.2 The District will cancel the TPA if a public water supplier is granted a municipal and rural domestic transfers permit. The TPA application fee will not be refunded.

5.7.3 A public water supplier shall enter into and satisfy the terms of a transfer mitigation agreement as described in Rules 5.5.2.5 and 5.5.2.5.1. The agreement must be completed (1) prior to finalizing the District's written response to the Department's request for consultation regarding the municipal and rural domestic transfers permit application, or (2) if the public water supplier did not apply for a municipal and rural domestic transfers permit, in accordance with the timeline in Rule 5.5.2.5.1.

5.7.4 The withdrawal and/or transfer of ground water for a public water system, as identified in the TPA, shall not occur until the Department has granted a municipal and rural domestic ground water transfers permit or the General Manager has approved the TPA.

5.7.5 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the Department has granted a municipal and rural domestic ground water transfers permit or the General Manager has approved the TPA.

5.8 Industrial/Commercial Transfers

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

5.8.2 The withdrawal and/or transfer of ground water for industrial purposes, as identified in the TPA, shall not occur until the General Manager has approved the TPA and, if applicable, the Department has granted an industrial ground water transfers permit.

5.8.3 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the General Manager has approved the TPA and, if applicable, the Department has granted an industrial ground water transfers permit.

5.9 Intrastate Transfers

5.9.1 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(s) is exempt from Rule 5.4.

5.9.1.1 Such transfer shall be approved by the General Manager if (1) a PTPA has been approved by the General Manager and (2) the recipient natural resources district has approved the transfer and provided written notice to the District of such approval.

5.9.2 An intrastate transfer from inside the geographic boundaries of the District to outside of the geographic boundaries of the District for (1) only the location of a certified ground water use; (2) only the point of ground water withdrawal; (3) the purpose of a certified ground water use; (4) the addition of a new ground water use to an existing certified ground water use; or (5) any combination thereof, is prohibited.

5.10 Out of State Transfers

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

5.10.2 The withdrawal and/or transfer of ground water across the state line, as identified in the TPA, shall not occur until the General Manager has approved the TPA and the Department has granted a permit to transfer ground water to adjoining state.

5.10.3 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the General Manager has approved the TPA and the Department has granted an permit to transfer ground water to adjoining state.

5.11 Wildlife, Environmental or Recreational Transfers

5.11.1 Pursuant to Neb. Rev. Stat. § 46-691.03, a landowner(s) or the person(s) with legal authority to sign for the landowner(s) 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.

5.11.1.1 The ETP application form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity.

5.11.1.2 The completed ETP application form must be submitted to the District and accompanied by a non-refundable application fee of fifty ($50).

5.11.2 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 provisions of Rules 5.3 and 5.4.

5.11.3 The Board shall provide an opportunity for public comment on the completed ETP application at a regular or special board meeting for which advance published notice of the meeting and the agenda have been given consistent with the Open Meetings Act.

5.11.4 In determining whether to grant an ETP, the Board shall consider:

5.11.4.1 Whether the proposed use is a beneficial use of ground water;

5.11.4.2 The availability to the applicant of alternative sources of surface water or ground water for the proposed withdrawal, transport, and use;

5.11.4.3 Any negative effect of the proposed withdrawal, transport, and use on ground water supplies needed to meet present or reasonable future demands for water in the area of the proposed withdrawal, transport, and use, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;

5.11.4.4 Any negative effect of the proposed withdrawal, transport, and use on surface water supplies needed to meet present or reasonable future demands for water within the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;

5.11.4.5 Any adverse environmental effect of the proposed withdrawal, transport, and use of the ground water;

5.11.4.6 The cumulative effects of the proposed withdrawal, transport, and use relative to the matters listed in Rule 5.11.4.3 through Rule 5.11.4.5 when considered in conjunction with all other withdrawals, transports, and uses subject to Rule 5.11;

5.11.4.7 Whether the proposed withdrawal, transport, and use is consistent with the District's ground water management plan and integrated management plan; and

5.11.4.8 Any other factors consistent with the purposes of Rule 5.11 which the Board deems relevant to protect the interests of the state and its citizens.

5.11.5 The approval of an ETP application shall be conditioned on the applicant's compliance with the rules and regulations of the District 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.

5.11.5.1 The Board may include such reasonable conditions on the proposed withdrawal, transport, and use as it deems necessary to carry out the purposes of Rule 5.11.

Chapter 5—Transfer of Ground Water was adopted by Order No. NPNRD-13 by the North Platte NRD Board of Directors on December 13, 2007 and effective January 11, 2008; amended by Order No. NPNRD-14 on July 10, 2008 and effective August 7, 2008; amended by Order No. NPNRD-23 on November 13, 2014, effective December 14, 2014.

CHAPTER 6 - ALLOCATION OF GROUND WATER FOR THE OVERAPPROPRIATED PORTION OF THE DISTRICT EXCLUDING THE PUMPKIN CREEK BASIN GROUND WATER MANAGEMENT SUBAREA

6.1 Area Designation and Boundaries

6.1.1 The area subject to Chapter 6 of these Rules and Regulations is the entire geographic area designated as the overappropriated area of the District, with the exception of the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order Number NPNRD-4.

6.2 Conditions for Allocation of Ground Water

6.2.1 Certified irrigated acres will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) or irrigation system serving such acres and those acres are physically capable of being supplied ground water through an irrigation system.

6.3 Allocation of Ground Water for Certified Irrigated Acres

6.3.1 Allocation - The ground water allocation for each certified irrigated acre is seventy (70) acre-inches per certified irrigated acre per allocation period. The allocation period shall consist of five (5) consecutive water years beginning in Water Year 2015. The base allocation for each certified irrigated acre is fourteen (14) acre-inches per certified irrigated acre per water year.

6.3.2 Exemption from Allocation - If approved by the District, certified irrigated acres irrigated exclusively with ground water by a gravity irrigation system are exempt from Rule 6.3.1.

6.3.2.1 The operator and landowner or landowner must apply to the District, on forms provided by the District, for consideration of such exemption from Rule 6.3.1. A completed application must be received by the District prior to April 1 of the water year for which the exemption is requested to begin. Prior to taking action on the application, the District will conduct an investigation to determine whether to approve, approve with conditions, or deny the request for an exemption from Rule 6.3.1.

6.3.2.1.1 Only those certified irrigated acres which have the base allocation for each water year left in the allocation period remaining at the time the exemption is applied for will be eligible for an exemption from Rule 6.3.1.

6.3.2.1.2 Once approved, the exemption from Rule 6.3.1 will remain in effect until the end of the allocation period unless rescinded by the District for situations such as a change in ownership of the certified irrigated acres subject to the exemption from Rule 6.3.1, the replacement of the gravity irrigation system serving the certified irrigated acres receiving an exemption from Rule 6.3.1 by an irrigation system, or any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.2.1.2.1 If the exemption to Rule 6.3.1 for certified irrigated acres is rescinded by the District due to the installation of an irrigation system, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the base allocation for each water year left in the allocation period.

6.3.2.2 If certified irrigated acres within a portion of a certified irrigated tract receive an exemption from Rule 6.3.1, the certification will be rescinded for that irrigated tract and the irrigated acres which receive the exemption will be certified as a separate irrigated tract from those irrigated acres in the original certified irrigated tract which have not received an exemption and remain subject to Rule 6.3.1 and the irrigated acres not subject to the exemption will also be certified as a separate irrigated tract.

6.3.2.3 Certified irrigated acres receiving an exemption from Rule 6.3.1 must have a dedicated flow meter(s) to measure the amount of ground water which is applied to those acres.

6.3.2.4 Ground water irrigation will not be allowed on one-fifteenth ($1/15^{th}$) of the total certified irrigated acres in a certified irrigated tract that is comprised of certified irrigated acres approved for an exemption from Rule 6.3.1 for each water year in the allocation period following approval of the exemption.

6.3.2.4.1 In the case of a DAU composed entirely of certified irrigated tracts comprised of certified irrigated acres subject to Rule 6.3.2, the cessation of ground water irrigation for each water year within the allocation period of one-fifteenth ($1/15^{th}$) of the total certified irrigated acres in each certified irrigated tract within the DAU may be combined onto one of the certified irrigated tracts within the DAU.

6.3.2.4.1.1 If (1) the cessation of ground water irrigation for the certified irrigated tracts within a DAU has been combined onto one of the certified irrigated tracts within the DAU pursuant to Rule 6.3.2.4.1, and (2) the DAU is rescinded by the District pursuant to Rule 6.3.4.3.1 at any time during the allocation period, then each certified irrigated tract that was within the DAU, except for those certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.2 and for which the exemption from Rule 6.3.1 has been revoked by the District, will be subject to Rule 6.3.2.4.

6.3.2.4.1.2 If the cessation of ground water irrigation for the certified irrigated tracts within a DAU has been combined onto one of the certified irrigated tracts within the DAU pursuant to Rule 6.3.2.4.1, and the DAU is rescinded by the District at any time during the allocation period due to a violation of Rule 6.3.2.4, then the certified irrigated acres within each certified irrigated tract that was within the DAU will be subject to Rule 6.3.2.4.3.

6.3.2.4.2 The certified irrigated acres within the certified irrigated tract or DAU which will not be irrigated with ground water pursuant to Rule 6.3.2.4 or Rule 6.3.2.4.1 must be identified by the operator and landowner(s) or landowner(s) on a digitized map provided by the District during the application process described in Rule 6.3.2.1.

6.3.2.4.2.1 If the operator and landowner(s) or landowner(s) desires to amend the location of the certified irrigated acres within the certified irrigated tract or DAU which are not being irrigated with ground water pursuant to Rule 6.3.2.4 or Rule 6.3.2.4.1, as identified during the application process, the operator and landowner(s) or landowner(s) must apply to the District prior to April 1 of the water year for which such change is requested. Such change in location of certified irrigated acres cannot take place until approved by the District.

6.3.2.4.3 Failure to comply with Rule 6.3.2.4 will result in immediate revocation of the exemption from Rule 6.3.1 for those certified irrigated acres within the certified irrigated

tract(s) that have been granted the exemption and ground water may not be applied to those certified irrigated acres for the remainder of the water year in which the violation occurred. For the subsequent three (3) water years, those certified irrigated acres will receive an allocation equal to the base allocation for each of those water years. In addition, the operator and landowner(s) or landowner(s) is prohibited from any consideration for a new exemption on those certified irrigated acres within the certified irrigated tract(s) for the same three (3) water years in which the base allocation has been prescribed.

6.3.3 Pre-existing Allocation Units (PAUs)

6.3.3.1 The total current allocation for each certified irrigated tract comprised of certified irrigated acres subject to Rule 6.3.1 within a PAU will be combined.

6.3.3.2 A PAU will only be designated in cases where it is not possible for the District to determine the amount of ground water applied to one or more certified irrigated tracts due to (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s); (2)(a) a change in the configuration of regulated well(s) and/or (b) a change in location of the flow meter(s) measuring the withdrawal of ground water from regulated well(s) serving one or more certified irrigated tract(s).

6.3.3.3 A PAU will remain intact unless (1) there is a change in ownership of one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within a PAU; (2) one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within the PAU is enrolled in a government program requiring cessation of ground water irrigation for the period of enrollment; or (3) there is a change (a) in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within the PAU and/or (b) in the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s). If such change occurs, the PAU will be rescinded, and, if applicable, a new PAU containing the remaining certified irrigated tract(s) unaffected by such change will be designated.

6.3.3.3.1 The landowner must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a PAU and/or a change in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within a PAU and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

6.3.3.4 If a PAU is rescinded by the District, the certification for each certified irrigated tract within the original PAU will also be rescinded and each tract will be certified according to the modified status of each tract.

6.3.3.5 If a PAU is rescinded by the District, the remaining available water in the PAU will be prorated to the separate certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.1 based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s).

6.3.3.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s), the written agreement must be provided to the District within thirty (30) working days following

the PAU rescission. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.3.5.

6.3.4 Designated Allocation Units (DAUs)

6.3.4.1 All DAUs established prior to January 1, 2015, will remain intact unless (1) there is a change in ownership of any of the certified irrigated tracts or portion of a certified irrigated tract within a DAU or (2) a certified irrigated tract or portion of a certified irrigated tract within a DAU is enrolled in a program requiring cessation of ground water irrigation for the period of enrollment in the program. In such cases, the DAU will be rescinded by the District.

6.3.4.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.4.1.2 The landowner(s) of a DAU established prior to January 1, 2015, may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

6.3.4.1.3 Any certified irrigated tracts that were within a DAU that was established prior to January 1, 2015, that has been relinquished by the landowner(s) or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 6.3.4.2 are met.

6.3.4.2 Certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1 and the corresponding available water for each tract or certified irrigated tracts comprised of certified irrigated acres subject to Rule 6.3.2 may be combined into DAUs provided the following criteria are met:

6.3.4.2.1 All regulated wells and at least a portion of each certified irrigated tract to be included within the DAU must be within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and within a floating square area measuring a maximum of three (3) miles by three (3) miles.

6.3.4.2.2 A single DAU must consist solely of ground water only certified irrigated tracts or commingled certified irrigated tracts or certified irrigated tracts with associated secondary acres.

6.3.4.2.2.1 If a DAU is comprised of commingled certified irrigated tracts supplied by surface water from an irrigation district or canal company, all of the commingled certified irrigated tracts must be within the boundaries of the same irrigation district or the land served by the same canal company.

6.3.4.2.3 A DAU cannot consist of a combination of certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.2 and certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1.

6.3.4.2.4 Pre-existing allocation units may be included within a DAU.

6.3.4.2.5 The certified irrigated tracts and regulated wells to be included within the DAU are owned by the same person unless the certified irrigated tracts and regulated wells to be included within the DAU are under different ownership but have the same operator. In such cases, the operator and all landowners must sign the DAU application form in accordance with Rule 6.3.4.3.

6.3.4.2.6 A certified irrigated tract cannot be included in more than one DAU.

6.3.4.3 In order to establish a DAU, the operator and/or landowner(s) must apply to the District, on forms provided by the District, by the end of the working day on May 15 of the water year in which the DAU is intended to be established.

6.3.4.4 If approved by the District, the DAU will remain in effect until the end of the current allocation period, except for those DAUs established prior to January 1, 2015, unless rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships.

6.3.4.4.1 The DAU will be rescinded by the District if any of the following situations exist: (1) the ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU changes; (2)(a) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a ground water only DAU is placed under a contract with an irrigation district or canal company for delivery of surface water to the certified irrigated tract(s) or portion of the certified irrigated tract(s), or (b) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) becomes included in a surface water appropriation granted by the Department for irrigation with surface water on the certified irrigated tract(s) or portion of the certified irrigated tract(s); (3) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a commingled only DAU changes to a ground water only source of irrigation water; (4) a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the DAU is enrolled in a temporary irrigation retirement program which requires cessation of irrigation for the period of enrollment in the program; (5) the certified irrigated acres within a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU (a) are subject to Rule 6.3.1 but become subject to Rule 6.3.2 through the granting of an exemption to the allocation or (b) are subject to Rule 6.3.2 and the exemption to the allocation is rescinded by the District; (6) a regulated well(s) serving a certified irrigated tract(s) within the DAU is replaced in a location such that the criteria in Rule 6.3.4.2 are no longer met; or (7) any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.4.4.1.1 The landowner(s) must notify the District within sixty (60) days of (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU; (2) a change in the origin of the water source used to irrigate a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU; or (3) enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.4.4.2 The landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, of a DAU established during the current allocation period may relinquish such DAU by signing a form, provided by the District, by

the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

6.3.4.4.3 Any certified irrigated tracts within a DAU that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 6.3.4.2 are met.

6.3.4.4.4 If a DAU composed of certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1 is rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships during the current allocation period, the remaining available water in the DAU will be prorated to the separate certified irrigated tracts based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

6.3.4.4.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the DAU between the certified irrigated tracts during the current allocation period, the written agreement must be provided to the District within thirty (30) working days following the rescission or relinquishment of the DAU. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.4.4.4.

6.3.4.5 If there is an available water overdraft for a DAU at the end of an allocation period, the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties will be prorated between the certified irrigated tracts based on the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts.

6.3.4.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the available water overdraft plus the available water overdraft penalty and/or any other penalties being prorated pursuant to Rule 6.3.4.5.

6.3.4.6 If there is unused available water in a DAU at the end of an allocation period, the lesser amount of the unused available water or fourteen (14) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the DAU may be carried forward into the next allocation period. The amount of such carryforward that will be able to be used in the next allocation period will be prorated between the certified irrigated tracts based on the amount of the carryforward and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts.

6.3.4.6.1 In the case of a written agreement between affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the carryforward being prorated pursuant to Rule 6.3.4.6.

6.3.5 Provisions - The following provisions apply to the use of ground water for irrigation purposes on those certified irrigated acres which are subject to Rule 6.3.1:

6.3.5.1 If the amount of available water for a certified irrigated tract, PAU or DAU is equal to or less than zero, ground water cannot be applied to such certified irrigated tract, PAU or DAU until such time as the amount of available water is greater than zero.

6.3.5.2 In the event of an available water overdraft for a certified irrigated tract or PAU, the District shall reduce the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU by the amount of the available water overdraft plus the amount of the available water overdraft penalty.

6.3.5.3 If there is unused available water in a PAU or certified irrigated tract at the end of an allocation period, the lesser amount of the unused available water or fourteen (14) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within that certified irrigated tract or PAU may be carried forward and added to the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU.

6.3.5.4 If a special circumstance replacement well is constructed pursuant to Rule 1.4.2.2, the remaining available water for the original certification will be prorated to the severed certified irrigated tract(s) and the remaining certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

6.3.5.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts, the written agreement must be provided to the District within thirty (30) working days following the completion of construction of the special circumstance replacement well. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.5.4.

6.3.5.5 If an irrigation system, gravity irrigation system, or flow meter is installed during the allocation period on certified irrigated acres that did not have such system or on a regulated well that did not have a flow meter during the previous water years of the allocation period, those certified irrigated acres, if eligible, will be granted an allocation equal to the base allocation for each water year left in the allocation period. If the certified irrigated acres are approved for an exemption from Rule 6.3.1, the provisions of Rule 6.3.2 will apply to such certified irrigated acres.

6.3.5.6 If the General Manager has approved a transfer permit, pursuant to Chapter 5 of these rules and regulations, for the transfer of the location of the point of ground water withdrawal from a regulated well and/or certified irrigated acres that are subject to Rule 6.3.1, the available water

for the transferred certified irrigated acres will be equal to amount of available water the certified irrigated acres had prior to the transfer.

6.3.5.6.1 If the General Manager has approved a transfer permit, pursuant to Chapter 5 of these rules and regulations, for the transfer of a non-irrigation certified ground water use to certified irrigated acres, the allocation for the certified irrigated acres will be the lesser of the amount equal to the historic consumptive use of the non-irrigation certified ground water use, as determined by the Western Water Use Management model, or the sum of the base allocation for each water year left in the current allocation period.

6.3.6 Secondary Irrigated Acres

6.3.6.1 Secondary irrigated acres will not receive an allocation.

6.3.6.2 The available water from the adjacent certified irrigated tract may be applied to the secondary irrigated tract provided the applicable provisions of these rules and regulations are met.

6.3.6.3 Ground water shall not be applied to a secondary irrigated tract until the application to apply the available water from the adjacent certified irrigated tract, pursuant to Rule 6.3.6.6, is approved by the General Manager.

6.3.6.4 The secondary irrigated tract and the adjacent certified irrigated tract must be located within the boundaries of the same irrigation district or the lands served by the same mutual irrigation company.

6.3.6.4.1 In the case of a private surface water appropriation, the secondary irrigated tract and the adjacent certified irrigated tract must be located (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles.

6.3.6.5 The secondary irrigated tract and the adjacent certified irrigated tract must be served by a common irrigation system.

6.3.6.6 The landowner(s) of a secondary irrigated tract and the landowner(s) of the adjacent certified irrigated tract, if different, must apply to the District, on forms provided by the District, for the ability to apply available water from the adjacent certified irrigated tract on the secondary irrigated tract. If all provisions of the applicable rules are met, the General Manager will approve, approve with conditions or deny the application.

6.3.6.6.1 The application must be submitted by the end of the working day on April 15, or the first working day after April 15 if April 15 falls on a non-working day, of the water year in which the irrigation of the secondary irrigated tract with the available water from the adjacent certified irrigated tract is intended to occur.

6.3.6.6.2 The landowner(s) of the secondary irrigated tract shall provide documentation from the applicable irrigation district or mutual irrigation company verifying the existence of a valid surface water right on the acres within the tract as part of the application, on a form provided by the District.

6.3.6.6.2.1 In the case of a private surface water appropriation, the landowner(s) of the secondary irrigated tract shall provide (1) the most recent Department of Natural Resources Order listing the number and location of the acres under the appropriation and (2) a map showing the location of the acres under the appropriation.

6.3.6.6.3 If the adjacent certified irrigated tract has a valid surface water right, the landowner(s) of the tract shall provide documentation from the applicable irrigation district or mutual irrigation company verifying the existence of a valid surface water right on the acres within the tract as part of the application, on a form provided by the District.

6.3.6.6.3.1 In the case of a private surface water appropriation, the landowner(s) of the adjacent certified irrigated tract shall provide (1) the most recent Department of Natural Resources Order listing the number and location of the acres under the appropriation and (2) a map showing the location of the acres under the appropriation.

6.3.6.6.4 If the landowner(s) of the secondary irrigated tract and the landowner(s) of the adjacent certified irrigated tract are different, at least one of the landowner(s) of the adjacent certified irrigated tract shall sign, as part of the application process, a form provided by the District, acknowledging and agreeing to the use of the common irrigation system, and the regulated well(s) and the available water from the adjacent certified irrigated tract on the secondary irrigated tract.

6.3.6.7 If approved by the District, the ability to apply the available water from the adjacent certified irrigated tract will remain in effect until the end of the current allocation period, unless rescinded by the District or relinquished by a minimum of one landowner(s) of the adjacent certified irrigated tract or the secondary irrigated tract.

6.3.6.8 The approval of the ability to apply available water from the adjacent certified irrigated tract will be rescinded by the District if any of the following situations exist: (1) the ownership of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract changes; (2) the valid surface water right is relinquished or otherwise removed from the secondary irrigated tract or any of the acres therein; (3) the common irrigation system or regulated well(s) serving the secondary irrigated tract and the adjacent certified irrigated tract changes such that it is no longer supplying available water from the adjacent certified irrigated tract to the secondary irrigated acres; (4) the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract is enrolled in a termporary irrigation retirement program which requires cessation of irrigation for the period of enrollment in the program; (5) the allocation on the adjacent certified irrigated acres is rescinded by the District or any or all of the acres within the adjacent certified irrigated tract are transferred; or (6) any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.6.8.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract or enrollment of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.6.8.2 If the valid surface water right on the acres within the secondary irrigated tract is relinquished or otherwise removed from such acres, a minimum of one landowner(s) of the secondary irrigated tract shall notify the District within thirty (30) working days following the relinquishment or removal of the valid surface water right.

6.3.6.8.3 If the configuration of the common irrigation system or regulated well(s) serving the secondary irrigated tract changes such that it is no longer providing available water from the adjacent certified irrigated tract to the secondary irrigated tract, a minimum of one landowner of either the secondary irrigated tract or the adjacent certified irrigated tract shall notify the District within thirty (30) working days following the change in configuration of the common irrigation system or the regulated well(s) serving the secondary irrigated tract.

6.3.6.9 A minimum of one landowner of either the secondary irrigated tract or the adjacent certified irrigated tract may relinquish the ability to apply available water from the adjacent certified irrigated tract by signing a form, provided by the District, by the end of the working day on May 15, or the first working day after May 15 if May 15 falls on a non-working day, of the water year in which the ability is to be relinquished.

6.3.6.10 The adjacent certified irrigated tract and the associated secondary irrigated tract may be included in a DAU, provided the provisions of Rule 6.3.4 are met.

6.3.6.11 Secondary irrigated acres that have received approval from the District to apply available water from the adjacent certified irrigated tract may not be transferred.

6.3.7 Transition from Water Years 2010-2014 Allocation Period to Water Years 2015-2019 Allocation Period

6.3.7.1 For a certified irrigated tract, DAU or PAU comprised of certified irrigated acres subject to Rule 6.3.1:

6.3.7.1.1 If applicable, the carryforward from the Water Years 2010-2014 allocation period that will be added to the total current allocation for a certified irrigated tract, DAU, or PAU for the Water Years 2015-2019 allocation period will be the lesser amount of the unused available water for that certified irrigated tract, DAU, or PAU, or fourteen (14) acre-inches per certified irrigated acre, which is equivalent to the base allocation for the Water Years 2010-2014 allocation period, multiplied by the number of certified irrigated acres within the certified irrigated tract, DAU or PAU.

6.3.7.1.2 Any available water overdraft, available water overdraft penalty, and/or other penalties assessed for the Water Years 2010-2014 allocation period will be subtracted from the total current allocation for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

6.3.7.1.3 The additions and/or subtractions described in Rule 6.3.7.1.1 and Rule 6.3.7.1.2, if any, along with the total current allocation, will equal the available water for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

6.3.8 Acres Enrolled in Temporary Irrigation Retirement Program(s)

6.3.8.1 Certified irrigated acres which are not being irrigated because they are enrolled in a program(s), such as the Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentive Program (EQIP), or others, which requires participants to temporarily set aside crop land for other uses or otherwise temporarily remove such land from crop production shall not receive an allocation or be eligible

for an exemption to the allocation while those certified irrigated acres are enrolled in such program.

6.3.8.1.1 The regulated well(s) which serve any certified irrigated acres that are or will be enrolled in such program(s) may be used to provide ground water for the purpose of establishing a vegetative cover, pursuant to program guidelines for use of water.

6.3.8.1.2 If, prior to enrollment in such program(s), there is any remaining available water for the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled, the remaining available water will be rescinded. If an exemption to the Rule 6.3.1 was approved for the certified irrigated acres to be enrolled, such exemption will be rescinded.

6.3.8.1.2.1 If, prior to enrollment in such program(s), the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled are part of a PAU or DAU, the PAU or DAU will be rescinded. Any remaining available water in the PAU or DAU will be prorated to the separate certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.1 based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract. The prorated portion of the remaining available water for the enrolled certified irrigated tract(s) or portion of certified irrigated tract(s) will be rescinded. The prorated portion of the remaining available water for the certified irrigated tract(s) not enrolled in the program(s) will remain prorated unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s) which will not be enrolled in the program(s).

6.3.8.1.2.1.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the PAU or DAU between the certified irrigated tracts not enrolled in the program(s), the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.8.1.2.1.

6.3.8.2 The landowner must notify the District within sixty (60) days of enrollment or removal of certified irrigated acres from such program(s). The District will not grant an allocation or approve an exemption from the allocation for any certified irrigated acres removed from such a program(s) unless the District receives written notification, on forms provided by the District, of the removal of the acres from the program(s). Prior to the commencement of irrigation on such certified irrigated acres, the acres must be granted an allocation or approved for an exemption to the allocation.

6.3.8.3 If certified irrigated acres are removed from such program(s), or if the program contract(s) is terminated or expires at any time during an allocation period, then, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the sum of the base allocation for each water year left in the allocation period. If the certified irrigated acres are approved for an exemption from Rule 6.3.1, the provisions of Rule 6.3.2 will apply to such certified irrigated acres.

amended by Order No. NPNRD-19, effective March 29, 2010; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-22, effective May 11, 2013; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 7 – ALLOCATION OF GROUND WATER FOR THE PUMPKIN CREEK BASIN GROUND WATER MANAGEMENT SUBAREA

7.1 Area Designation and Boundaries

7.1.1 The area subject to Chapter 7 of these rules and regulations is the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order Number NPNRD-4.

7.2 Conditions for Allocation of Ground Water

7.2.1 Certified irrigated acres will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) or irrigation system serving such acres and those acres are physically capable of being supplied ground water through an irrigation system.

7.2.2 Livestock operations and certified uses other than irrigation and livestock operations will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) serving the livestock operation or other certified ground water use.

7.3 Allocation of Ground Water for Certified Irrigated Acres

7.3.1 Allocation - The ground water allocation for each certified irrigated acre is sixty (60) acre-inches per certified irrigated acre per allocation period. The allocation period shall consist of five (5) consecutive water years beginning in Water Year 2015. The base allocation for each certified irrigated acre is twelve (12) acre-inches per certified irrigated acre per water year.

7.3.2 Pre-existing Allocation Units (PAUs)

7.3.2.1 The total current allocation for each certified irrigated tract within a PAU will be combined.

7.3.2.2 A PAU will only be designated in cases where it is not possible for the District to determine the amount of ground water applied to one or more certified irrigated tracts due to (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s); (2)(a) a change in the configuration of regulated well(s) and/or (b) a change in the location of flow meter(s) measuring the withdrawal of ground water from regulated well(s) serving one or more certified irrigated tract(s).

7.3.2.3 A PAU will remain intact unless (1) there is a change in ownership of one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within a PAU; (2) one or more of the a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the PAU is enrolled in a government program requiring cessation of ground water irrigation for the period of enrollment; or (3) there is a change (a) in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within the PAU and/or (b) in the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s). If such change occurs, the PAU will be rescinded, and, if applicable, a new PAU containing the remaining certified irrigated tract(s) unaffected by such change will be designated.

7.3.2.3.1 The landowner must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a

PAU and/or a change in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within a PAU and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

7.3.2.4 If a PAU is rescinded by the District, the certification for each certified irrigated tract within the original PAU will also be rescinded and each tract will be certified according to the modified status of each tract.

7.3.2.5 If a PAU is rescinded by the District, the remaining available water in the PAU will be prorated to the separate certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s).

7.3.2.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s), the written agreement must be provided to the District within thirty (30) working days following the PAU rescission. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.2.5.

7.3.3 Designated Allocation Units (DAUs)

7.3.3.1 All DAUs established prior to January 1, 2015, will remain intact unless (1) there is a change in ownership of any of the certified irrigated tracts or portion of a certified irrigated tract within a DAU or (2) a certified irrigated tract or portion of a certified irrigated tract within a DAU is enrolled in a program requiring cessation of ground water irrigation for the period of enrollment in the program. In such cases, the DAU will be rescinded by the District.

7.3.3.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

7.3.3.1.2 The landowner of a DAU, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, established prior to January 1, 2015, may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

7.3.3.1.3 Any certified irrigated tracts that were within a DAU that was established prior to January 1, 2015, that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 7.3.3.2 are met.

7.3.3.2 Certified irrigated tracts and the corresponding available water for each tract may be combined into DAUs provided the following criteria are met:

7.3.3.2.1 All regulated wells and at least a portion of each certified irrigated tract to be included within the DAU must be (1) within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use

Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles.

7.3.3.2.2 Pre-existing allocation units may be included within a DAU.

7.3.3.2.3 The certified irrigated tracts and regulated wells to be included within the DAU are owned by the same person unless the certified irrigated tracts and regulated wells to be included within the DAU are under different ownership but have the same operator. In such cases, the operator and all landowners must sign the DAU application form in accordance with Rule 7.3.3.3.

7.3.3.2.4 A certified irrigated tract cannot be included in more than one DAU.

7.3.3.3 In order to establish a DAU, the operator and/or landowner(s) must apply to the District, on forms provided by the District, by the end of the working day on May 15 of the water year in which the DAU is intended to be established.

7.3.3.4 If approved by the District, the DAU will remain in effect until the end of the current allocation period, except for those DAUs established prior to January 1, 2015, unless rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships.

7.3.3.4.1 The DAU will be rescinded by the District if any of the following situations exist: (1) the ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU changes; (2) a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the DAU is enrolled in a temporary irrigation retirement program which requires cessation of ground water irrigation for the period of enrollment in the program; (3) a regulated well(s) serving a certified irrigated tract(s) within the DAU is replaced in a location such that the criteria in Rule 7.3.3.2 are no longer met; or (4) any other circumstance in violation of the District rules and regulations or federal or state law.

7.3.3.4.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

7.3.3.4.2 The landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, of a DAU established during the current allocation period may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

7.3.3.4.3 Any certified irrigated tracts within a DAU established during the current allocation period that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 7.2.3.2 are met.

7.3.3.4.4 If a DAU is rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under

multiple ownerships during the current allocation period, the remaining available water in the DAU will be prorated to the separate certified irrigated tracts based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

7.3.3.4.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the DAU between the certified irrigated tracts during the current allocation period, the written agreement must be provided to the District within thirty (30) working days following the rescission or relinquishment of the DAU. Failure to do so will result in the available water being prorated pursuant to Rule 7.2.3.4.4.

7.3.3.5 If there is an available water overdraft for a DAU at the end of an allocation period, the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties will be prorated between the certified irrigated tracts based on the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts.

7.3.3.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the available water overdraft plus the available water overdraft penalty and/or any other penalties being prorated pursuant to Rule 7.3.3.5.

7.3.3.6 If there is unused available water in a DAU at the end of an allocation period, the lesser amount of the unused available water or twelve (12) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the DAU may be carried forward into the next allocation period. The amount of such carryforward that will be able to be used in the next allocation period will be prorated between the certified irrigated tracts based on the amount of the carryforward and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts.

7.3.3.6.1 In the case of a written agreement between affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the carryforward being prorated pursuant to Rule 7.2.3.6.

7.3.4 Allocation Provisions

7.3.4.1 If the amount of available water for a certified irrigated tract, PAU or DAU is equal to or less than zero, ground water cannot be applied to such certified irrigated tract, PAU or DAU until such time as the amount of available water is greater than zero.

7.3.4.2 In the event of an available water overdraft for a PAU or a certified irrigated tract, the District shall reduce the following allocation period's total current allocation for that certified irrigated tract or combined total current allocation for the certified irrigated tracts within the PAU by the amount of the available water overdraft plus the amount of the available water overdraft penalty.

7.3.4.3 If there is unused available water in a PAU or certified irrigated tract at the end of an allocation period, the lesser amount of the unused available water or twelve (12) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the certified irrigated tract or PAU may be carried forward and added to the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU.

7.3.4.4 If a special circumstance replacement well is constructed pursuant to Rule 1.4.2.2, the remaining available water for the original certification will be prorated to the severed certified irrigated tract(s) and the remaining certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

7.3.4.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts, the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.4.4.

7.3.4.5 If an irrigation system, gravity irrigation system, or flow meter is installed during the allocation period on certified irrigated acres that did not have such system or on a regulated well that did not have a flow meter during the previous water years of the allocation period, those certified irrigated acres, if eligible, will be granted an allocation equal to the base allocation for each water year left in the allocation period.

7.3.5 Transition from Water Years 2010-2014 Allocation Period to Water Years 2015-2019 Allocation Period

7.3.5.1 For a certified irrigated tract, DAU or PAU comprised of certified irrigated acres subject to Rule 7.2.1:

7.3.5.1.1 If applicable, the carryforward from the Water Years 2012-2014 allocation period that will be added to the total current allocation for a certified irrigated tract, DAU, or PAU for the Water Years 2015-2019 allocation period will be the lesser amount of the unused available water for that certified irrigated tract, DAU, or PAU, or twelve (12) acre-inches per certified irrigated acre, which is equivalent to the base allocation for the Water Years 2012-2014 allocation period, multiplied by the number of certified irrigated acres within the certified irrigated tract, DAU or PAU.

7.3.5.1.2 Any available water overdraft, available water overdraft penalty, and/or other penalties assessed for the Water Years 2012-2014 allocation period will be subtracted from the total current allocation for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

7.3.5.1.3 The additions and/or subtractions described in Rule 7.3.5.1.1 and Rule 7.3.5.1.2, if any, along with the total current allocation, will equal the available water for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

7.3.6 Acres Enrolled in Temporary Irrigation Retirement Program(s)

7.3.6.1 Certified irrigated acres which are not being irrigated because they are enrolled in a program(s), such as the Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentive Program (EQIP), or others, which requires participants to temporarily set aside crop land for other uses or otherwise temporarily remove such land from crop production shall not receive an allocation while those certified irrigated acres are enrolled in such program.

7.3.6.1.1 The regulated well(s) which serve any certified irrigated acres that are or will be enrolled in such program(s) may be used to provide ground water for the purpose of establishing a vegetative cover, pursuant to program guidelines for use of water.

7.3.6.1.2 If, prior to enrollment in such program(s), there is any remaining available water for the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled, the remaining available water will be rescinded.

7.3.6.1.2.1 If, prior to enrollment in such program(s), the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled are part of a PAU or DAU, the PAU or DAU will be rescinded. Any remaining available water in the PAU or DAU will be prorated to the separate certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract. The prorated portion of the remaining available water for the enrolled certified irrigated tract(s) or portion of certified irrigated tract(s) will be rescinded. The prorated portion of the remaining available water for the certified irrigated tract(s) not enrolled in the program(s) will remain prorated unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s) which will not be enrolled in the program(s).

7.3.6.1.2.1.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the PAU or DAU between the certified irrigated tracts not enrolled in the program(s), the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.6.1.2.1.

7.3.6.2 The landowner must notify the District within sixty (60) days of enrollment or removal of certified irrigated acres from such program(s). The District will not grant an allocation for any certified irrigated acres removed from such a program(s) unless the District receives written notification, on forms provided by the District, of the removal of the acres from the program(s). Prior to the commencement of irrigation on such certified irrigated acres, the acres must be granted an allocation.

7.3.6.3 If certified irrigated acres are removed from such program(s), or if the program contract(s) is terminated or expires at any time during an allocation period, then, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the base allocation for each water year left in the allocation period.

7.4 Allocation of Ground Water for Livestock Operations

7.4.1 The ground water allocation for each certified livestock operation is twenty (20) gallons per day per animal unit per water year.

7.5 Allocation of Ground Water for Other Uses

7.5.1 To receive an allocation for the Water Years 2015-2019 allocation period for certified uses other than irrigation and livestock operations, the ground water user must submit an application to the District on or before February 1, 2015, on forms provided by the District. The General Manager will approve or deny such application prior to March 1, 2015.

7.5.1.1 In considering whether to approve such applications, the General Manager shall consider the factors including, but not limited to, the following: (1) the historical ground water use by the applicant; (2) relevant information about the ground water use provided by the applicant; and (3) any other information which the General Manager deems relevant, reliable and unbiased.

Chapter 7 – Allocation of Ground Water for the Pumpkin Creek Basin Ground Water Management Subarea (formerly known as (1) Section D: Rules and Regulations for the Pumpkin Creek Basin Groundwater Management Sub-Area and Rules and (2) Regulations for the Pumpkin Creek Basin Groundwater Management Sub-Area) was adopted by Order No. NPNRD-4 on February 15, 2001, effective on March 21, 2001; amended by Order No. NPNRD-5, effective December 19, 2002; amended by Order No. NPNRD-6, effective March 12, 2004; amended by Order No. NPNRD-9, effective March 9, 2006; amended by Order No. NPNRD-16, effective January 12, 2009; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-22, effective May 11, 2013; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 8 – LISCO-OSHKOSH-LEWELLEN GROUND WATER QUALITY MANAGEMENT SUBAREA

8.1 Area Designation and Boundaries

8.1.1 The area subject to Chapter 8 of these rules and regulations is the Lisco-Oshkosh-Lewellen Ground Water Management Subarea as defined in Order Number NPNRD-3.

8.2 Restrictions on Nitrogen Fertilizer Application

8.2.1 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.

8.2.1.1 Certified irrigated tracts served by regulated irrigation wells and planted to small grain winter crops (e.g., wheat) are exempt from Rule 8.2.1.

8.2.2 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.

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Chapter 8 - Level II Quality Controls for Lisco-Oshkosh-Lewellen Ground Water Management Subarea was adopted by Order No. NPNRD-3 on August 19, 1999, effective on October 1, 1999; amended by Order No. NPNRD-8, effective November 18, 2004; amended by Order No. NPNRD-23, effective December 14, 2014.

APPENDIX C

SAMPLE AGREEMENT DOCUMENTS

Memo

Adaptive Resources, Inc.

To: File

From: Thad Kuntz, P.G., Joe Reedy, and Jason Yuill

CC:

Date: 2/25/2015

Re: Certification 1758 Retirement Analysis Modeling Results

EXECUTIVE RESULTS SUMMARY

The results of the Certification 1758 retirement analysis indicate the District can expect up to 100% of retired annual pumping volumes as annual accretion for the 50 year modeling effort. The annual credit along the North Platte River and its tributaries ranges from 174 acre-feet in the first full year of the analysis to around 510 acre-feet from the twenty-fifth year through the end of the model. Figures 3 and 4 provide annual accretion volume and percent accretion, respectively.

MODELING REPRESENTATION OF RETIREMENT

A North Platte River impact analysis was completed using the Western Water Use Management (WWUM) Modeling ground water model and the Groundwater Vistas' hydrostratigraphic unit process. The "change modeling" technique was utilized for this analysis, this technique compares a baseline or reference model run to a modified model run. The modified run introduces a change to a specific dataset in the baseline run and, when compared to the baseline, the difference is reflected in the stream baseflow, heads, or aquifer storage. The results from this technique do not represent actual estimates of future stream baseflow, heads, or aquifer storage, but rather provide the estimated change in the future stream baseflow, heads, or aquifer storage.

To complete these types of simulations and analyses, a modeling dataset was created called the 2010 Analysis Tool. The tool consists of a model that simulates 50 years using 600 stress periods for both the baseline and modified runs. The stress periods represent historical calendar months from May, 2010 to April, 2060 and within each stress period, there are six time steps. Model inflows and outflows represent measured ground water development from May, 2010 through April, 2011, repeated for the entire simulation. To create steady state conditions and obtain initial heads for the tool, the 2010 pumping and recharge was isolated from the calibrated 1953 to 2011 ground water model, repeated for 50 years, and run through a simulation. This tool allows for "change modeling" analyses to be completed using steady state conditions.

The baseline simulation run within the 2010 Analysis Tool includes no new pumping or injection. The second model simulation represents baseline conditions plus injection, to simulate impacts from the cessation of pumping at wells G-042532, G-042533, G-042534, G-042535 and G-042536. For this analysis, injection signifies the retirement of 440 acres under Certification 1758 at the rate of the fifteen year modeled average (1998 to 2013) annual consumptive use of 1.06 acre-feet per acre per year for all acres within the District and is a representation of the future consumptive use savings the parcel may expect. Injection occurred at wells G-04532, G-042533, G-042534, G-042535 and G-042536 (Map 1) at an approximate rate of 510 acre-feet per year from May, 2014 through April, 2064, during irrigation season months only (May through September).

Memo

Changes in stream baseflow were summarized by month for the following ground water model components: stream flow and general head boundaries (as well as evapotranspiration [ET] and ground water storage for total water budget checks). The following calculations were completed to determine estimated impacts to the surface water system for the analysis:

Certifications 1758 Run – Baseline Run = Impacts from retirement of 481 acres injected through wells G-04532, G-042533, G-042534, G-042533, G-042535 and G-042536

Change in stream baseflow along the North Platte River and its tributaries due to the proposed retirement is delivered in four ways which are demonstrated in the results section below. One method provides change in stream baseflow as the instantaneous change in the stream baseflow due to injection (Figure 1). These values are then converted into volume per month which are summed through time to provide change in stream baseflow as a ratio of cumulative change in stream baseflow to cumulative pumping, effectively capturing all stream baseflow change through time as a percentage of all pumping through time (Figure 2). The monthly volumes are also summed for calendar years to calculate annual instantaneous change in stream baseflow in acre-feet (Figure 3). These annual values are then divided by the annual pumping volume to provide annual instantaneous change in stream baseflow as a percentage of annual instantaneous pumping (Figure 4).

RESULTS

Figure 1 provides the instantaneous change in stream baseflow in acre-feet per day.

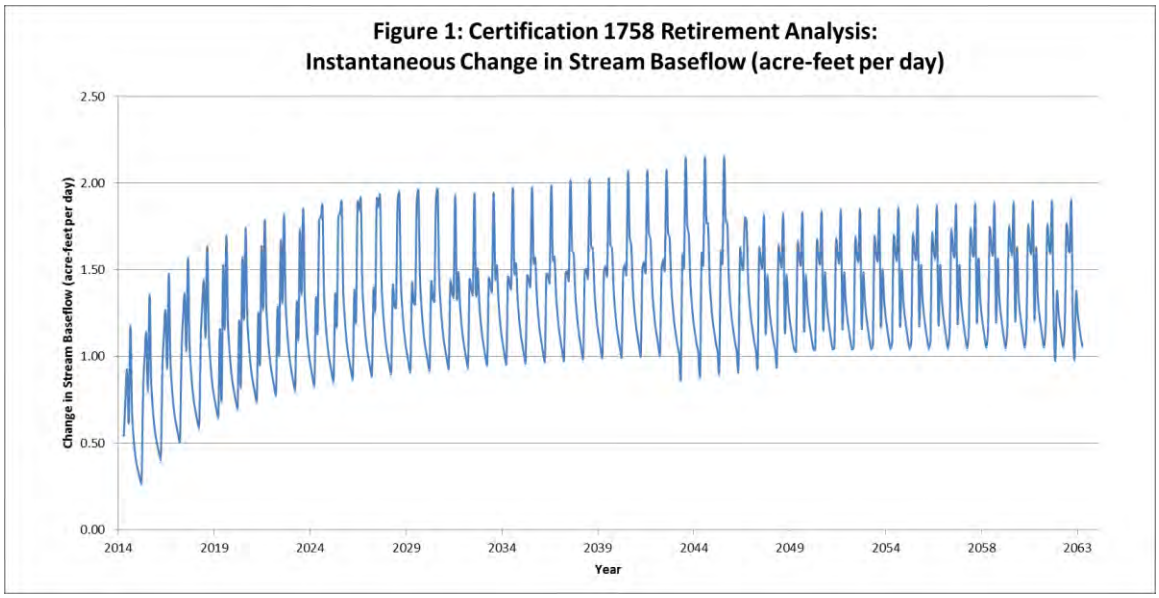


Figure 2 provides the cumulative change in stream baseflow as a percentage of cumulative pumping.

Memo

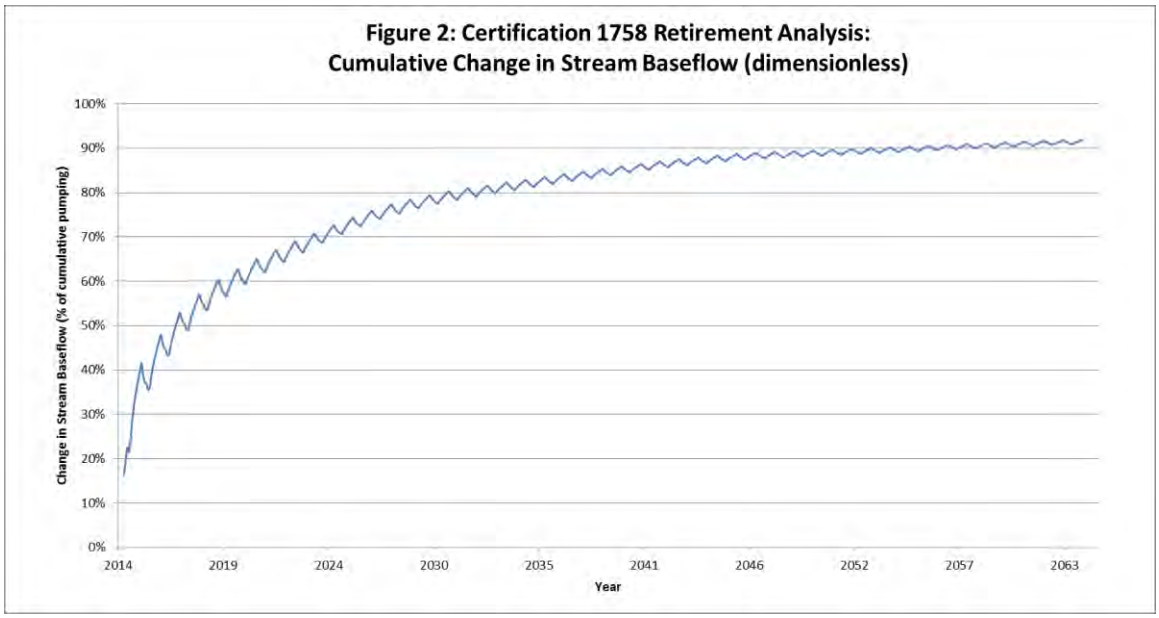


Figure 3 provides annual instantaneous change in stream baseflow in acre-feet.

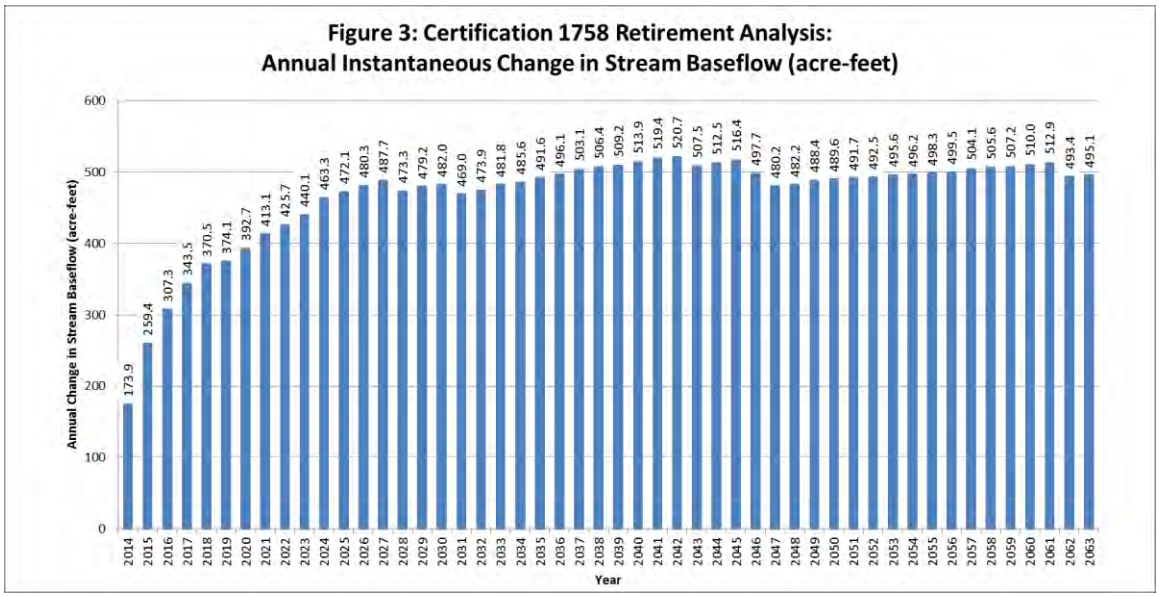
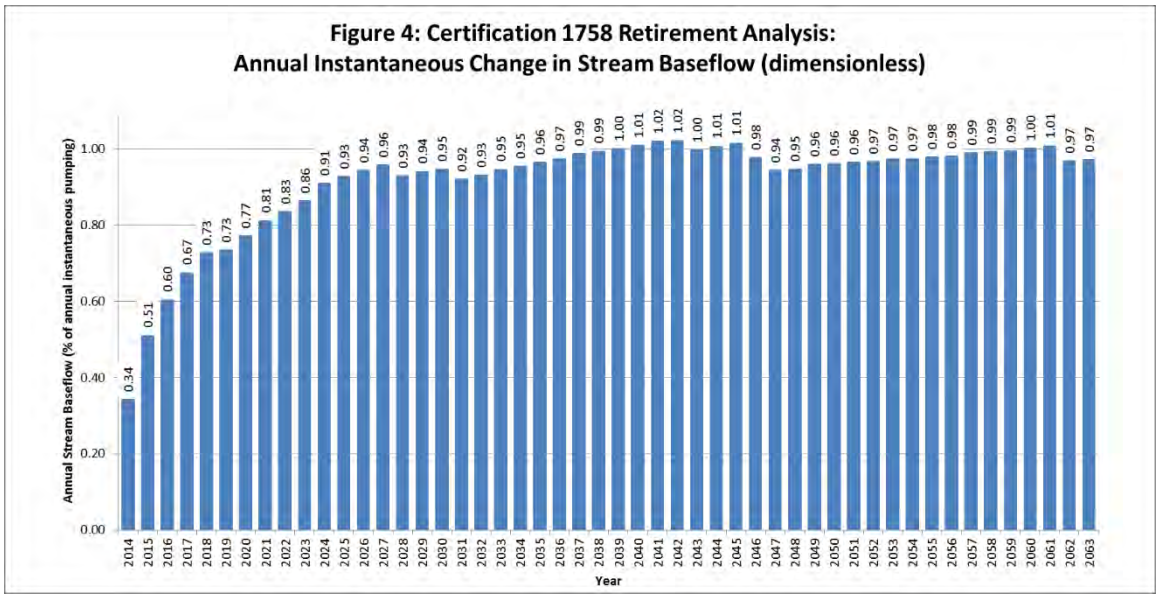


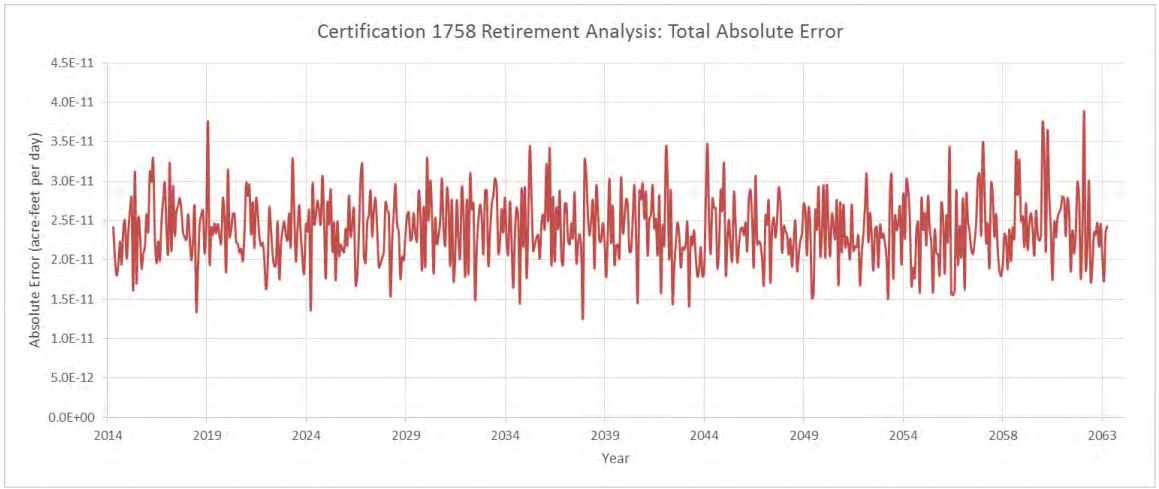
Figure 4 provides annual instantaneous change in stream baseflow as a percentage of annual instantaneous pumping.

Memo



MODEL ERRORS AND LIMITATIONS

Absolute error in the baseline water budget ranged from -1.57E-10 acre-feet per day to 1.23E-10 acre-feet per day and averaged 3.21E-13 acre-feet per day. The absolute error in the Certification 1758 simulation ranged from -1.57E-10 acre-feet per day to 1.23E-10 acre-feet per day and averaged 3.14 E-13 acre-feet per day. These errors were a fraction of 1% of the inflows and outflows in the model. The same mass balance errors probably occur in all simulations over much of the model area and these errors are not related to the injection created to analyze the retirement. To estimate the model error due only to injection, the baseline water budget absolute error was subtracted from the Certification 1758 water budget absolute error on a time-step by time-step basis. The error from introduced injection ranged from -5.65E-11 acre-feet per day to 7.04E-11 acre-feet per day and averaged -2.72E-14 acre-feet per day. These errors are several orders of magnitude smaller than the injection at Certification 1758, indicating that they have a negligible effect on the results. The absolute error for the retirement analysis is displayed below. The graph captures the total absolute error for the analysis, including error in the baseline and Certification 1758 model simulations.



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Water Resources for the West

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Cert. 1758 Well
Certification 1758
NRD Boundary
HSU_Zone
3

This map is for reference purposes only, accuracy is not guaranteed. This product should not be construed as a legal document or survey

Certification 1758
Retirement Analysis:
Well Locations and
Hydrostratigraphic Unit Zones

Map 1

STATE OF NEBRASKA } ss
SIOUX COUNTY }
Entered on Numerical Index and Filed for Record this
29 day of JAN A.D., 2015 at 9 o'clock
and 31 minutes A M. and recorded in Book A-67
of MISC on Page 257-262
Ella Nonne deputy
$40.00 COUNTY CLERK & REGISTER OF DEEDS
DOC #2015-00035

Fee Book ✓
Plat Book –
Num. Index ✓
Gen'l Index ✓
Bk. Registration ✓
Recorded ✓
Compared ✓

AGREEMENT

This Agreement is made effective this 8 day of January, 2015, by and between, Matt Tighe, hereinafter "LANDOWNER" and the North Platte Natural Resources District, hereinafter "NPNRD".

WHEREAS, NPNRD is a political subdivision of the State of Nebraska, responsible for regulating certain uses of ground water, including the responsibility of reducing ground water depletions in the overappropriated portion of its District. The NPNRD is required through its Integrated Management Plan and Basin-Wide Plan, enacted pursuant to the provisions of the Ground Water Management and Protection Act (Neb. Rev. Stat. §§46-701 to 46-754), to offset certain depletions to the North Platte River;

WHEREAS, the NPNRD has determined that this is best done by entering into voluntary agreements with landowners to retire certified ground water irrigated acres, whereby the NPNRD can receive a credit toward its depletion offset requirements; and

WHEREAS, LANDOWNER is willing to enter into an agreement with the NPNRD by which he/she/it permanently retires his/her/its certified ground water irrigated acres and the withdrawal of ground water for irrigation purposes from the regulated irrigation well(s) serving those acres while retaining full ownership rights to his/her/its real estate, for agreed upon compensation;

IT IS THEREFORE AGREED AS FOLLOWS:

1. **RETIREMENT OF CERTIFIED ACREAGE.** LANDOWNER shall permanently retire the withdrawal and use of ground water from registered wells G-042532, G-042533, G-042534, G-042535 and G-042536, hereinafter "REGULATED WELLS", for irrigation purposes on acres certified by the NPNRD as certification number 1758

consisting of 481 ground water irrigated acres, located on the following described real estate in Scotts Bluff County, Nebraska:

Township 26 North, Range 57 West of the 6th P.M., Sioux County, Nebraska
Section 18: W/2; W/2E/2;

Township 26 North, Range 58 West of the 6th P.M., Sioux County, Nebraska
Section 13: E/2SE/4; SE/4NE/4, NE/4NE/4; Excepting a tract of land more particularly described as follows: Referring to the northeast corner of said Section 13; Thence on the north line of said Section 13, N87°12'24"W for a distance of 60.84 feet, said point also being the true point of beginning; Thence continuing on said north line, N87°12'24"W, to the northwest corner of the NE/4NE/4 of said Section 13, being a distance of 1,265.78 feet; Thence on the west line of said NE/4NE/4 S02°31'06"W, for a distance of 1,016.75 feet; Thence N53°54'44"E, for a distance of 1,619.76 feet to the true point of beginning.

The above described acres, subject to the Agreement, are shown on the map attached hereto and incorporated herein as Exhibit 1 (hereinafter "RETIRED LANDS").

LANDOWNER shall execute any and all documents required by NPNRD or the Nebraska Department of Natural Resources to accomplish this purpose.

2. **COMPENSATION.** In exchange, the NPNRD will pay to LANDOWNER the sum of $1,767,675.00, computed at the rate of $245.00 per certified acre per year, in 30 equal bi-annual installments of $58,922.50 each, with the first due and payable on or before February 20, 2015, the second due and payable on or before August 20, 2015, and on or before February 20 and August 20 of each year thereafter until paid in full (last payment due on or before August 20, 2029).
3. **OWNERSHIP RIGHTS/LIMITATIONS.** LANDOWNER shall retain his/her/its full ownership rights in the RETIRED LANDS, with the limitation that the RETIRED LANDS shall not be irrigated with either ground or surface water. LANDOWNER may continue to engage in dryland farming practices and livestock grazing on the premises. Any crops, grasses, forage or any other vegetation planted by LANDOWNER must be approved by the NPNRD. For example, no deep rooted vegetation such as alfalfa may be planted or maintained on the RETIRED LANDS.
4. **DRYLAND MANAGEMENT REQUIREMENTS.** No use, except for those uses allowed in the Agreement or approved by the NPNRD prior to the use, shall be made of

the RETIRED LANDS by LANDOWNER which will consume ground water, including, but not limited to, the following: (1) Pits or other excavated areas that would expose, drain, tile or consume ground water; (2) Mining, sand or gravel operations; (3) Energy exploration and development, except for the exclusive purpose of providing an energy source(s) for domestic and/or range livestock water on the RETIRED LANDS (e.g., solar panels or windmills); (4) Industrial, commercial, agricultural or residential development on the RETIRED LANDS unless prior written approval is granted by the NPNRD.

NPNRD, acting by and through its respective employees and agents, has the right to enter the RETIRED LANDS at any reasonable time for the purpose of inspecting the RETIRED LANDS to monitor and determine compliance with the terms of this Agreement. Prior notification to LANDOWNER is not required.

5. **WATER WELL.** LANDOWNER shall not be precluded from using the REGULATED WELLS for normal household or domestic uses, or watering range livestock (excluding confined livestock in numbers beyond the natural carrying capacity of the RETIRED LANDS). Prior to use of the REGULATED WELLS for these purposes, the LANDOWNER must file the appropriate forms with the Nebraska Department of Natural Resources, hereinafter "NDNR", regarding the changes in use and pumping information of the REGULATED WELLS. A copy of such filed forms shall be provided to the NPNRD within fifteen (15) days following submission to the NDNR. No water well capable of pumping more than 50 gallons per minute may be constructed or operated on the RETIRED LANDS by LANDOWNER. Such wells may be used only for household or domestic uses or watering range livestock (excluding confined livestock in numbers beyond the natural carrying capacity of the RETIRED LANDS). If REGULATED WELLS will be used for normal household or domestic uses, or watering range livestock

6. **WEED CONTROL AND EROSION CONTROL.** The parties agree that the RETIRED LANDS must be stabilized such that noxious weeds do not proliferate and blowing dust and other erosion does not occur. LANDOWNER acknowledges that he/she/it has primary responsibility to accomplish the erosion and weed control and may consult with the NPNRD on available options. Nevertheless, if the erosion and weed control does not occur, the NPNRD may take steps to provide appropriate erosion control and weed control, as it deems necessary in its good faith discretion. LANDOWNER

hereby grants the NPNRD permission to enter upon the RETIRED LANDS and undertake whatever erosion and weed control measures the NPNRD deems necessary. Expenses of the NPNRD related to this operation will be deducted from subsequent annual payments.

7. **SALE OF REAL ESTATE.** The parties recognize that LANDOWNER may desire to sell all or part of the RETIRED LANDS. Nothing herein shall preclude LANDOWNER from selling the RETIRED LANDS, provided however, that such RETIRED LANDS shall remain subject to the terms of this Agreement.
8. **RELEASE OF INFORMATION.** LANDOWNER authorizes the release of information about this Agreement to the media, the public, and government agencies by the NPNRD. Contact information may be provided by the NPNRD for promotional and participant recognition.
9. **AUTHORITY.** Each party to this Agreement, by signature hereto, represents that he/she/it is fully authorized and empowered to enter into this Agreement, and that the contracting party is duly authorized and empowered to accomplish the purposes of this Agreement. LANDOWNER hereby represents and warrants that he/she/it is the owner of the RETIRED LANDS with full authority to enter into this Agreement and bind the same.
10. **BINDING.** This Agreement shall extend to and is also binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto, shall be enforceable by any such persons or entities, and shall run with the RETIRED LANDS.
11. **REMEDIES.** In the event that either party defaults in the performance of any of its obligations under this Agreement, each party shall have all remedies provided by law or equity, including the right of specific performance against the other.
12. **RECORDATION FOLLOWING THE EXECUTION OF THIS AGREEMENT.** The NPNRD shall cause this Agreement to be recorded with the Scotts Bluff County Register of Deeds.
13. **NOTICES.** All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by United States mail, first class postage prepaid, to the party to be notified at the address set forth herein or at such other address as either party may from time to time designate in writing. Nothing herein shall be construed to preclude

personal service of any notice in the manner prescribed for personal services of a summons or other legal process. All notices required to be given hereunder shall be delivered to:

North Platte Natural Resources District
Attn: John Berge
100547 Airport Road
P.O. Box 280
Scottsbluff, NE 69363-0280

Matt Tighe
1770 Henry Rd.
Henry, NE 69358

North Platte Natural Resources District

By: John Berge, General Manager
Date: 1/8/15

Matt Tighe

Date: 1-8-15

COUNTY OF SCOTTS BLUFF)
) ss.
STATE OF NEBRASKA)

The foregoing instrument was acknowledged before me on this 8 day of January, 2015, by John Berge, General Manager of the North Platte Natural Resources District, a Nebraska Political Subdivision on behalf of said Natural Resources District.

JACQUELYN A BISHOP
General Notary
State of Nebraska
My Commission Expires Nov 27, 2017

Notary Public

My Commission Expires:

COUNTY OF SCOTTS BLUFF)
) ss.
STATE OF NEBRASKA)

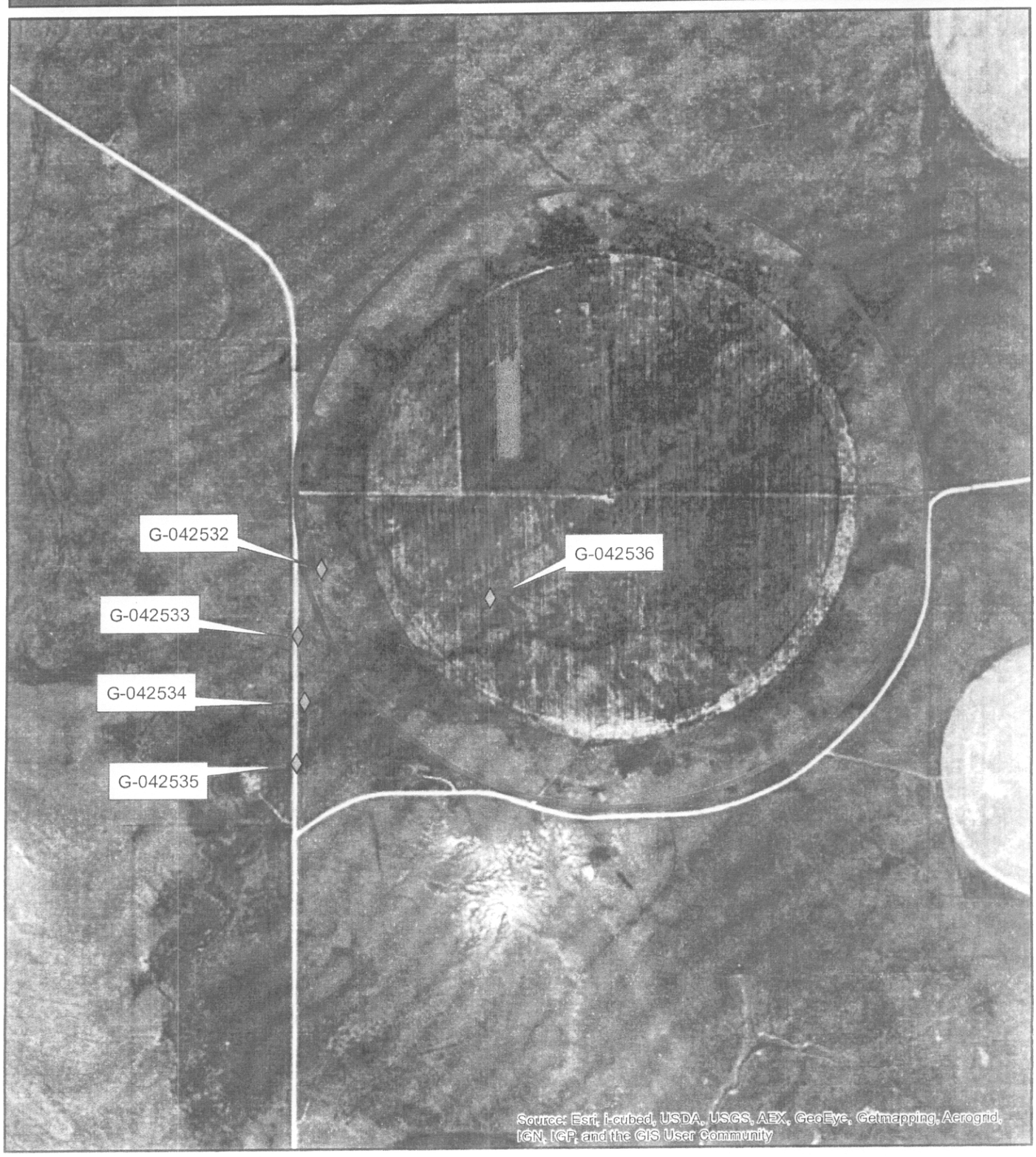
The foregoing instrument was acknowledged before me on this 8 day of January, 2015, by Matt Tighe.

Notary Public

My Commission Expires:

JACQUELYN A BISHOP
General Notary
State of Nebraska
My Commission Expires Nov 27, 2017

Matt Tighe Retirement (Exhibit 1)
481 Acres



Certified Wells

Matt Tighe Certification

0 5001,000 2,000 Feet

N

Date: 12/31/2014

APPENDIX D

ECONOMIC ANALYSIS
SUPPORTING DOCUMENTATION

Appendix D
Recent per-acre sales prices

Champion
REALTY

615 S. Beltline West • Scottsbluff, NE 69361
Phone: 308-633-4663 • Fax: 308-633-4664
www.championrealtyllc.net

December 17, 2015

TO: North Platte N.R.D., Scottsbluff, NE

Regarding your request for information on recent land sales, I have compiled the following:

IRRIGATED FARMS

SE Gering	80 Acres	$3,500/Acre
N Scottsbluff	72 Acres	$5,000/Acre
NE Minatare	80 Acres	$5,200/Acre
East of Gering	120 Acres	$3,500/Acre
Morrill	157 Acres	$4,450/Acre
Mitchell	364 Acres	$3,863/Acre
South Mitchell	100 Acres	$4,480/Acre
North Minatare	160 Acres	$6,250/Acre
SW Gering Valley	200 Acres	$4,760/Acre

The average price per acre of irrigated farms is approximately $4,660 per acre.

DRY LAND FARMS

Kimball County CRP	$500/Acre
Banner County (Very good land)	$900/Acre

The average price per acre of Dryland farms is approximately $700 per acre.

There has not been as much land trading hands this year due to the lower crop prices.

Respectfully submitted,

Clyde Schaneman

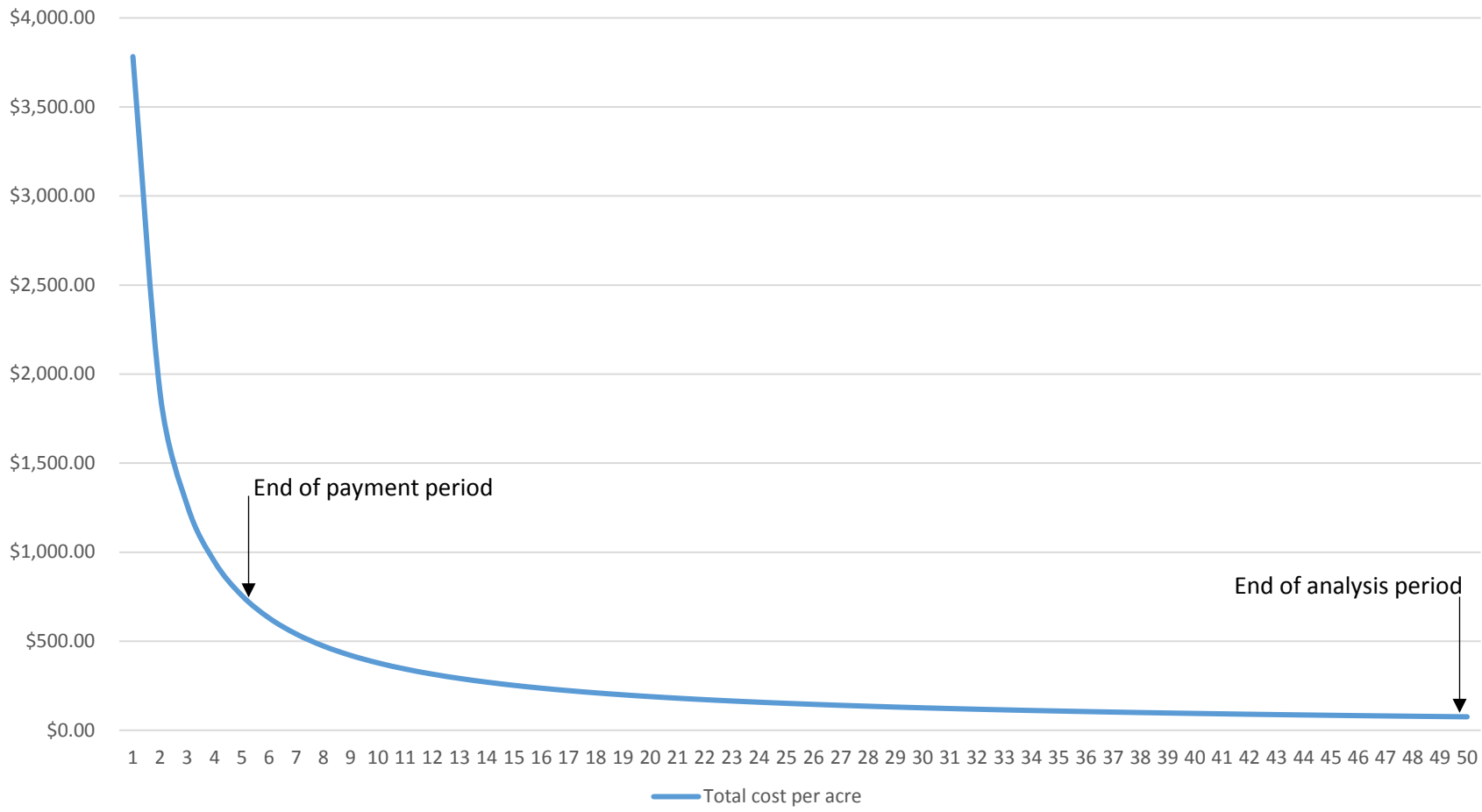
Clyde Schaneman, Realtor

Total cost per acre	Year of agreement	
$3,782.80	1	
$1,891.40	2	
$1,260.93	3	
$945.70	4	
$756.56	5	End of payment period under executed agreement
$630.47	6	
$540.40	7	
$472.85	8	
$420.31	9	
$378.28	10	
$343.89	11	
$315.23	12	
$290.98	13	
$270.20	14	
$252.19	15	
$236.43	16	
$222.52	17	
$210.16	18	
$199.09	19	
$189.14	20	
$180.13	21	
$171.95	22	
$164.47	23	
$157.62	24	
$151.31	25	
$145.49	26	
$140.10	27	
$135.10	28	
$130.44	29	
$126.09	30	
$122.03	31	
$118.21	32	
$114.63	33	
$111.26	34	
$108.08	35	
$105.08	36	
$102.24	37	
$99.55	38	
$96.99	39	
$94.57	40	
$92.26	41	
$90.07	42	
$87.97	43	
$85.97	44	
$84.06	45	
$82.23	46	
$80.49	47	
$78.81	48	
$77.20	49	
$75.66	50	End of analysis period in WWUM modeling

Table D-1: Amortization of retirement agreement costs over fifty-year planning period, based on WWUM model analysis.

* Total cost per acre includes feasibility level work prior to agreement execution and post-execution compliance inspections (see Appendix D - Cash Flow worksheet), prorated per acre

Figure D-1: Total cost per acre over fifty-year planning horizon



Appendix D: FY16 budget documentation

2015-2016
STATE OF NEBRASKA
NATURAL RESOURCES DISTRICT BUDGET FORM

North Platte NRD

This budget is for the Period JULY 1, 2015 through JUNE 30, 2016

Upon Filing, The Entity Certifies the Information Submitted on the Form to be Correct:

The following **PERSONAL AND REAL PROPERTY TAX** is requested for the ensuing year:

$	2,587,107.00	Property Taxes for Non-Bond Purposes
$	-	Principal and Interest on Bonds
$	2,587,107.00	**Total Personal and Real Property Tax Required**

Outstanding Bonded Indebtedness as of JULY 1, 2015

Principal	$	-
Interest	$	-
Total Bonded Indebtedness	$	-

$ 4,841,311,685.00 **Total Certified Valuation (All Counties)**

*(Certification of Valuation(s) from County Assessor **MUST** be attached)*

County Clerk's Use ONLY

Report of Joint Public Agency & Interlocal Agreements

Was this Subdivision involved in any Interlocal Agreements or Joint Public Agencies for the reporting period of July 1, 2014 through June 30, 2015?

[X] YES [ ] NO

*If **YES**, Please submit Interlocal Agreement Report by December 31, 2015.*

Report of Trade Names, Corporate Names & Business Names

Did the Subdivision operate under a separate Trade Name, Corporate Name, or Business Name during the period of July 1, 2014 through June 30, 2015?

[ ] YES [X] NO

*If **YES**, Please submit Trade Name Report by December 31, 2015.*

APA Contact Information

Auditor of Public Accounts

Telephone: (402) 471-2111 **FAX:** (402) 471-3301

Website: www.auditors.nebraska.gov

Questions - E-Mail: Deann.Haeffner@nebraska.gov

Submission Information - Adopted Budget Due by 9-20-2015

1. Auditor of Public Accounts - PO Box 98917 - Lincoln, NE 68509
   Submit Electronically using Website:
   http://www.auditors.nebraska.gov/
2. County Board (SEC. 13-508), C/O County Clerk

North Platte NRD

Line No.	TOTAL ALL FUNDS	Actual 2013 - 2014 (Column 1)	Actual/Estimated 2014 - 2015 (Column 2)	Adopted Budget 2015 - 2016 (Column 3)
1	**Beginning Balances, Receipts, & Transfers:**			
2	Net Cash Balance	$ 316,043.25	$ 354,636.16	$ 609,159.96
3	Investments	$ 1,809,322.13	$ 1,487,579.10	$ 1,093,246.47
4	County Treasurer's Balance	$ 29,977.50	$ 35,530.10	$ 35,317.04
5	**Subtotal of Beginning Balances** (Lines 2 thru 4)	$ 2,155,342.88	$ 1,877,745.36	$ 1,737,723.47
6	Personal and Real Property Taxes **(Columns 1 and 2 - See Preparation Guidelines)**	$ 2,105,459.97	$ 2,566,327.75	$ 2,556,541.58
7	Federal Receipts	$ 206.55	$ 97,552.96	$ 475,275.00
8	State Receipts: Motor Vehicle Pro-Rate	$ 7,326.41	$ 8,630.85	$ 9,000.00
9	State Receipts: State Aid (State Statute Section 77-27,136)	$ -	$ -	
10	State Receipts: Other	$ 324,128.14	$ 336,690.17	$ 1,150,000.00
11	State Receipts: Property Tax Credit	$ -	$ -	
12	Local Receipts: Nameplate Capacity Tax	$ -	$ -	$ -
13	Local Receipts: In Lieu of Tax	$ 630.12	$ 657.33	$ 1,000.00
14	Local Receipts: Other	$ 374,478.28	$ 328,457.39	$ 289,700.00
15	Transfers In Of Surplus Fees	$ -	$ -	$ -
16	Transfer In Other Than Surplus Fees (Should agree to Transfers Out on Line 28)	$ -	$ 244,479.27	$ 32,991.88
17	**Total Resources Available** (Lines 5 thru 16)	$ 4,967,572.35	$ 5,460,541.08	$ 6,252,231.93
18	**Disbursements & Transfers:**			
19	Operating Expenses	$ 2,856,181.41	$ 3,090,192.60	$ 5,663,014.80
20	Capital Improvements (Real Property/Improvements)	$ -	$ -	$ -
21	Other Capital Outlay (Equipment, Vehicles, Etc.)	$ 213,677.58	$ 131,370.82	$ 115,000.00
22	Debt Service: Bond Principal & Interest Payments	$ -	$ 197,305.02	$ -
23	Debt Service: Payments to Retire Interest-Free Loans **(Public Airports)**			
24	Debt Service: Payments to Bank Loans & Other Instruments **(Fire Districts)**			
25	Debt Service: Other	$ 19,968.00	$ 59,469.90	$ -
26	Judgments	$ -	$ -	$ -
27	Transfers Out of Surplus Fees	$ -	$ -	$ -
28	Transfers Out Other Than Surplus Fees (Should agree to Transfers In on Line 16)	$ -	$ 244,479.27	$ 32,991.88
29	**Total Disbursements & Transfers** (Lines 19 thru 28)	$ 3,089,826.99	$ 3,722,817.61	$ 5,811,006.68
30	**Balance Forward/Cash Reserve** (Line 17 - Line 29)	$ 1,877,745.36	$ 1,737,723.47	$ 441,225.25
31	Cash Reserve Percentage			8%

PROPERTY TAX RECAP

Tax from Line 6	$ 2,556,541.58
County Treasurer's Commission at 1% of Line 6	$ 25,565.42
Delinquent Tax Allowance	$ 5,000.00
Total Property Tax Requirement	$ 2,587,107.00

North Platte NRD

To Assist the County For Levy Setting Purposes

The Cover Page identifies the Property Tax Request between Principal & Interest on Bonds and All Other Purposes. If your NRD needs more of a breakdown for levy setting purposes, complete the section below.

Property Tax Request by Fund:	Property Tax Request
General Fund	$ 2,587,107.00
Bond Fund	$ -
_____ Fund	
_____ Fund	
_____ Fund	
_____ Fund	
Total Tax Request	** $ 2,587,107.00

** This Amount should agree to the Total Personal and Real Property Tax Required on the Cover Page (Page 1).

Cash Reserve Funds

Statute 13-503 says cash reserve means funds required for the period before revenue would become available for expenditure but shall not include funds held in any special reserve fund. If the cash reserve on Page 2 exceeds 50%, you can list below funds being held in a special reserve fund.

Special Reserve Fund Name	Amount
Total Special Reserve Funds	$ -

Total Cash Reserve	$	441,225.25
Remaining Cash Reserve	$	441,225.25
Remaining Cash Reserve %		8%

CORRESPONDENCE INFORMATION

ENTITY OFFICIAL ADDRESS

If no official address, please provide address where correspondence should be sent

NAME	**North Platte NRD**
ADDRESS	**PO Box 280**
CITY & ZIP CODE	**Scottsbluff 69363-0280**
TELEPHONE	**(308) 632-2749**
WEBSITE	**www.npnrd.org**

	BOARD CHAIRPERSON	CLERK/TREASURER/SUPERINTENDENT/OTHER	PREPARER
NAME	Gerald Dillman	John Berge	
TITLE /FIRM NAME	Chairperson	Manager	
TELEPHONE	(308) 623-2201	(308) 632-2749	
EMAIL ADDRESS		jberge@npnrd.org	

For Questions on this form, who should we contact (please √ one): Contact will be via email if supplied.

- [ ] Board Chairperson
- [X] Clerk / Treasurer / Superintendent / Other
- [ ] Preparer

NOTE: If Budget Document is used as an Audit Waiver, approval of the Audit Waiver will be sent to the Board Chairperson via email. If no email address is supplied for the Board Chairperson, notification will be mailed via post office to address listed above.

North Platte NRD

2015-2016 LID SUPPORTING SCHEDULE

Calculation of Restricted Funds

Total Personal and Real Property Tax Requirements	(1)	$	2,587,107.00
Motor Vehicle Pro-Rate	(2)	$	9,000.00
In-Lieu of Tax Payments	(3)	$	1,000.00
Transfers of Surplus Fees	(4)	$	-

Prior Year Budgeted Capital Improvements that were excluded from Restricted Funds.

Prior Year Capital Improvements Excluded from Restricted Funds (From 2014-2015 LC-3 Lid Exceptions, Line (10))	$ -	(5)
LESS: Amount Spent During 2014-2015	$ -	(6)
LESS: Amount Expected to be Spent in Future Budget Years	$ -	(7)

Amount to be included as Restricted Funds **(Cannot be a Negative Number)**	(8)	$	-
Nameplate Capacity Tax	(8a)	$	-
TOTAL RESTRICTED FUNDS (A)	(9)	**$**	**2,597,107.00**

Lid Exceptions

Capital Improvements (Real Property and Improvements on Real Property)	(10)		
LESS: Amount of prior year capital improvements that were excluded from previous lid calculations but were not spent and now budgeted this fiscal year *(cannot exclude same capital improvements from more than one lid calculation.)* Agrees to Line (7) above.	(11)	$ -	
Allowable Capital Improvements	(12)	$	-
Bonded Indebtedness	(13)		
Interlocal Agreements/Joint Public Agency Agreements	(14)	$	517,271.08
Judgments	(15)		
Refund of Property Taxes to Taxpayers	(16)		
Repairs to Infrastructure Damaged by a Natural Disaster	(17)		
Ground Water Management Activities *(Amount exceeding FY 2003-04)*	(18)	$	1,159,094.17
TOTAL LID EXCEPTIONS (B)	(19)	**$**	**1,676,365.25**

TOTAL RESTRICTED FUNDS For Lid Computation (To Line 9 of the LC-3 Lid Form) *To Calculate: Total Restricted Funds (A)-Line 9 MINUS Total Lid Exceptions (B)-Line 19*	**$ 920,741.75**

*Total Restricted Funds for Lid Computation **cannot** be less than zero. See Instruction Manual on completing the LC-3 Supporting Schedule.*

LID COMPUTATION FORM
(NRD Version)

North Platte NRD

COMPUTATION OF LIMIT FOR FISCAL YEAR 2015-2016

2014-2015 Restricted Funds Authority (Base Amount) = Line (8) of last year's LC-3 Form: 1,476,104.38 (1)

ALLOWABLE INCREASES

1 **BASE LIMITATION PERCENT INCREASE (2.5%)**: 2.50 % (2)

2 **ALLOWABLE GROWTH PER THE ASSESSOR MINUS 2.5%**: - % (3)

2015 Growth per Assessor	/	2014 Valuation	=	- % Multiply times 100 To get %

3 **ADDITIONAL ONE PERCENT BOARD APPROVED INCREASE**: - % (4)

# of Board Members voting "Yes" for Increase	/	Total # of Members in Governing Body	=	- % Must be at least .75 (75%) of the Governing Body

ATTACH A COPY OF THE BOARD MINUTES APPROVING THE INCREASE.

4 **SPECIAL ELECTION/TOWNHALL MEETING - VOTER APPROVED % INCREASE**: 1.00 % (5)

Please Attach Ballot Sample and Election Results OR Record of Action From Townhall Meeting

TOTAL ALLOWABLE PERCENT INCREASE = Line (2) + Line (3) + Line (4) + Line (5): 3.50 % (6)

Allowable Dollar Amount of Increase to Restricted Funds = Line (1) x Line (6): 51,663.65 (7)

Total Restricted Funds Authority = Line (1) + Line (7): 1,527,768.03 (8)

Less: Restricted Funds from Lid Supporting Schedule: 920,741.75 (9)

Total Unused Restricted Funds Authority = Line (8) - Line (9): 607,026.28 (10)

LINE (10) MUST BE GREATER THAN OR EQUAL TO ZERO OR YOU ARE IN VIOLATION OF THE LID LAW.

THE AMOUNT OF UNUSED RESTRICTED FUNDS AUTHORITY ON LINE (10) MUST BE PUBLISHED IN THE NOTICE OF BUDGET HEARING.

2015-2016 Levy Limit Form
Natural Resources Districts

North Platte NRD

Total Personal and Real Property Tax Request		$ 2,587,107.00 (1)
Less Personal and Real Property Tax Request for:		
Judgments (not paid by liability insurance coverage)	( ) (A)	
Preexisting lease-purchase contracts approved prior to **July 1, 1998**	( ) (B)	
Bonded Indebtedness	( ) (C)	
Ground Water Management Activities (Exceeding FY 2003-2004)	($ 366,819.15) (D)	
Ground Water Management Activities (For District fully appropriated or overappropriated) (Exceeding FY 2005-2006)	($ 244,546.10) (E)	
Interstate Compact (LB 701)	( ) (F)	
Total Exclusions		($ 611,365.25) (2)
Personal and Real Property Tax Request subject to Levy Limit		$ 1,975,741.75 (3)
2015 Valuation (Per the County Assessor)		$ 4,841,311,685.00 (4)
Calculated Levy for Levy Limit Compliance [Line (3) **Divided By** Line (4) **Times** 100]		0.040810 (5)
Calculated Ground Water Management Activities Levy *(Shall Not Exceed 1 Cent)* [Line (D) **Divided By** Line (4) **Times** 100]		0.007577 (6)
Calculated Ground Water Management Activities Levy (For District fully appropriated or [Line (E) **Divided By** Line (4) **Times** 100]		0.005051 (7)
Calculated LB 701 Interstate Compact Levy *(Shall Not Exceed 10 Cents)* [Line (F) **Divided By** Line (4) **Times** 100]		0.000000 (8)
Total Calculated Levy for Limit Compliance [Line (5) **Plus** Line (6) **Plus** Line (7) **Plus** Line (8)]		0.053438 (9)

Note : **Levy Limit established by State Statute Section 77-3442:**
Natural Resources District (NRD) - 4.5 Cents
PLUS Ground Water Management Activities as allowed by State Statute Section 2-3225. Ground Water Management Activities shall not exceed 1 Cent.
PLUS Ground Water Management Activities (For District fully appropriated or overappropriated) as allowed by State Statute 2-3225. Ground Water Management Activities shall not exceed 3 Cents.
PLUS Interstate Compact as allowed by LB 701, shall not exceed 10 Cents.

Attach supporting documentation if a vote was held to exceed the levy limit.

AFFIDAVIT OF PUBLICATION

Star Herald
PO Box 1709
Scottsbluff, NE 69363

State of Nebraska
County of Scotts Bluff } ss.

I, Jennifer Harms do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one)

consecutive week (s) in the issues published, respectively September 3, 2015

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

Jennifer Harms

SUBSCRIBED in my presence and sworn to before me on Sept. 9, 2015

Conny Herdt
Notary Public

The publication fees amount to $ 56.68

NORPNT - 53929025

GENERAL NOTARY - State of Nebraska
CONNY HERDT
My Comm. Exp. October 10, 2018

~~

North Platte NRD

NOTICE OF BUDGET HEARING AND BUDGET SUMMARY

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 10 th day of September 2015, at 11:30 o'clock

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1601.02, that the governing body will meet on the 10th day of September 2015, at 11:30 o'clock A.M. at North Platte NRD Conference Room for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request.

2014-2015 Property Tax Request	$	2,702,726.59
2014 Tax Rate		0.059900
Property Tax Rate (2014-2015 Request/2015 Valuation)		0.055826
2015-2016 Proposed Property Tax Request	$	2,587,107.00
Proposed 2015 Tax Rate		0.053438

1t. September 3, 2015

CERTIFICATION OF TAXABLE VALUE
And VALUE ATTRIBUTABLE TO GROWTH

*{format for all political subdivisions **other than** a) sanitary improvement districts in existence five years or less, and b) community colleges, and c) school districts}*

TAX YEAR 2015

{certification required on or before August 20th, of each year}

TO: **North Platte NRD**
P O Box 280

Scottsbluff, NE 69361

TAXABLE VALUE LOCATED IN THE COUNTY OF: BANNER

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
NORTH PLATTE NRD	N.R.D.	212,452	260,621,556

**Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I **SHARON SANDBERG**, **BANNER** County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. §13-509 and §13-518.

Sharon Sandberg
(signature of county assessor)

COUNTY ASSESSOR * BANNER COUNTY * NEBRASKA

August 14, 2015
(date)

CC: County Clerk, **BANNER** County
CC: County Clerk where district is headquarter, if different county, _____ County

Note to political subdivision: A copy of the Certification of Value must be attached to the budget document.

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 07/2010

JB

CERTIFICATION OF TAXABLE VALUE
And VALUE ATTRIBUTABLE TO GROWTH

*{format for all political subdivisions **other than** a) sanitary improvement districts in existence five years or less, and b) community colleges, and c) school districts}*

TAX YEAR 2015

{certification required on or before August 20th, of each year}

TO: **NORTH PLATTE NRD**
John Berge
P O BOX 280
SCOTTSBLUFF, NE 69363

TAXABLE VALUE LOCATED IN THE COUNTY OF: MORRILL

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
NRD	N.R.D.	11,264,372	1,026,464,210

**Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I ROSE M NELSON, MORRILL County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. §13-509 and §13-518.

Rose M. Nelson
(signature of county assessor)

8-14-15
(date)

CC: County Clerk, MORRILL County
CC: County Clerk where district is headquarter, if different county, _____ County

Note to political subdivision: A copy of the Certification of Value must be attached to the budget document.

SEAL OF THE MORRILL COUNTY ASSESSOR

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 07/2010

JB

CERTIFICATION OF TAXABLE VALUE
And VALUE ATTRIBUTABLE TO GROWTH

*{format for all political subdivisions **other than***
a) sanitary improvement districts in existence five years or less, and
b) community colleges, and c) school districts}

TAX YEAR 2015

{certification required on or before August 20th, of each year}

TO: **NORTH PLATTE NATURAL RESOURCE DISRICT**
John Berge
P O BOX 280
SCOTTSBLUFF, NE 69363-0280

TAXABLE VALUE LOCATED IN THE COUNTY OF: GARDEN

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
NORTHPLATTE NRD	N.R.D.	6,625,554	629,035,858

**Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I JANET L. SHAUL, GARDEN County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. §13-509 and §13-518.

Janet L. Shaul
(signature of county assessor)

9/12/15
(date)

CC: County Clerk, GARDEN County
CC: County Clerk where district is headquarter, if different county, _____ County

Note to political subdivision: A copy of the Certification of Value must be attached to the budget document.

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 07/2010

JB

CERTIFICATION OF TAXABLE VALUE
And VALUE ATTRIBUTABLE TO GROWTH

*{format for all political subdivisions **other than***
a) sanitary improvement districts in existence five years or less, and
b) community colleges, and c) school districts}

TAX YEAR 2015

{certification required on or before August 20th, of each year}

TO: **NORTH PLATTE NATURAL RESOURCE DIST**
100547 AIRPORT ROAD

SCOTTSBLUFF, NE 69361

TAXABLE VALUE LOCATED IN THE COUNTY OF: SIOUX

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
NORTH PLATTE NRD	N.R.D.	312,023	210,105,179

**Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I **MICHELLE ZIMMERMAN**, **SIOUX** County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. §13-509 and §13-518.

Michelle J. Zimmerman
(signature of county assessor)

SIOUX SEAL SIOUX COUNTY, NEBRASKA

August 11, 2015
(date)

CC: County Clerk, **SIOUX** County
CC: County Clerk where district is headquarter, if different county, _____ County

Note to political subdivision: A copy of the Certification of Value must be attached to the budget document.

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 07/2010

JB

CERTIFICATION OF TAXABLE VALUE
And VALUE ATTRIBUTABLE TO GROWTH

*{format for all political subdivisions **other than***
a) sanitary improvement districts in existence five years or less, and
b) community colleges, and c) school districts}

TAX YEAR 2015
{certification required on or before August 20th, of each year}

TO: NORTH PLATTE NRD

P O BOX 280
SCOTTSBLUFF, NE. 69361

TAXABLE VALUE LOCATED IN THE COUNTY OF: SCOTTS BLUFF

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
N P NATURAL RESOURCE	N.R.D.	32,214,320	2,715,084,882

**Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I AMY RAMOS, SCOTTS BLUFF County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. §13-509 and §13-518.

Amy Ramos
(signature of county assessor)

8-11-15
(date)

CC: County Clerk, SCOTTS BLUFF County
CC: County Clerk where district is headquarter, if different county, _____ County

Note to political subdivision: A copy of the Certification of Value must be attached to the budget document.

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 07/2010

North Platte Natural Resources District

Resolution

Setting The Property Tax Request

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the North Platte Natural Resources District passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the North Platte Natural Resources District that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the North Platte Natural Resources District, by a majority vote, resolves that:

1. The 2015-2016 property tax request be set at $ 2,587,107.00.

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 10, 2015.

I certify that this is a copy of the resolution approved by a majority of the Board of Directors of the North Platte Natural Resources District during the Board's regular meeting on September 10, 2015, at Scottsbluff, Nebraska.

John Berge, Manager

NORTH PLATTE NATURAL RESOURCES DISTRICT
Budget Hearing Minutes

The Budget Hearing of **The North Platte Natural Resources District** was held the **10th** day of **September**, 20**15**, at **North Platte NRD Conference Roor**.

Board Members:

Present	Absent
Kent Andreas	Gary Darnall
Dave Deines	
Gerald Dillman	
Roger Eirich	
Chuck Henkel	
Dave Ostdiek	
Pete Lapaseotes	
Dan Weinreis	

1% Increase in Restricted Funds Authority

A motion was made by **Pete Lapaseotes** and seconded by **Dan Weinreis** to increase the total restricted funds authority by an additional 1%.

8 Ayes _____ Nays Motion: Passed **X** Failed _____

Budget Approval

A motion was made by **Dave Ostdiek** and seconded by **Roger Eirich** to approve the **amended FY-2016** budget as proposed.

8 Ayes _____ Nays Motion: Passed **X** Failed _____

AFFIDAVIT OF PUBLICATION

Star Herald
PO Box 1709
Scottsbluff, NE 69363

State of Nebraska
County of Scotts Bluff } ss.

I, Jennifer Harms do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one) consecutive week (s) in the issues published, respectively September 13, 2015

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

Jennifer Harms

SUBSCRIBED in my presence and sworn to before me on 9/14/15.

Debra K. Flowers
Notary Public

GENERAL NOTARY - State of Nebraska
DEBRA K. FLOWERS
My Comm. Exp. October 8, 2017

The publication fees amount to $ 14.50

NORPNT - 53929850

NORTH PLATTE NATURAL RESOURCES DISTRICT
NOTICE OF AMENDED BUDGET AND SUMMARY OF CHANGES FY-2016 BUDGET

Notice is hereby given the final FY-2016 budget adopted by the North Platte Natural Resources District was changed from that shown in the published proposed budget statement. For the General Fund $250,000.00 was added to both Budget Expenses and Revenues to meet obligations under a Nebraska Environmental Trust Grant. This change does not require increasing the Personal and Real Property Tax Requirement. The change was necessary because the grant application was submitted after the original budget was prepared and noticed.

Pete Lapasseotes
Secretary

Published in the Star-Herald
Scottsbluff, Nebraska
1t. September 13, 2015

EXCEPT FROM MINUTES
North Platte Natural Resources District
Board of Directors Meeting

9. Public Hearing on Proposed FY-16 Budget

The public hearing on the proposed North Platte NRD FY-16 budget was opened at 12:16 a.m., MDT, by Hearing Officer Dave Ostdiek. Notice of this hearing was published in the Scottsbluff Star-Herald on Thursday, September 3, 2015. Berge explained that an error had been made after the public notice had been published. The budget was amended prior to adoption to accommodate a grant program that was not included in the original Budget notice that was published because the grant application was made after the original budget was published. In accordance with Neb. Rev. Stat. §13-506, we have since published a new public notice on the amended budget. The revised budget was provided to the Board and anyone in the public that wanted a copy. No testimony was offered on the proposed North Platte NRD FY-16 budget. The hearing was closed at 12:33 p.m., MDT. Moved by Andreas, seconded by Henkel, to approve to amend the Fiscal Year 2016 Budget. Motion passed.

Ayes: Andreas, Deines, Dillman, Eirich, Henkel, Lapaseotes, Ostdiek, Weinreis.

Nay: None

Abstain: None

Absent: Darnall

10. Adoption of Amended Propose FY- Budget

Moved by Ostdiek, seconded by Eirich, to approve the Amended FY-16 budget as proposed. Motion passed.

Ayes: Andreas, Deines, Dillman, Eirich, Henkels, Lapaseotes, Ostdiek, Weinreis.

Nay: None

Abstain: None

Absent: Darnall

11. Adoption of the Final Tax Request

Ostdiek read the following resolution on setting the property tax request:

Table D-2: 2015 PANHANDLE AG LAND TAX VALUATIONS											
	Garden	Morrill			Banner	Scottsbluff			Sioux	
		Sand (Area 2)	Valleys (Area 3)	River (Area 4)		Market (Area 1)	Market (Area 2)	Market (Area 3)	Market (Area 1)	Market (Area 2)
Irrigated										
1A1										
1A	2000	2100	2300	2300	1650				1295	1970
2A1	2000	2100	2300	2300	1550	2625	2625	2625	1200	1960
2A	2000	2100	2300	2300	1400	2625	2625	2625	1200	1960
3A1	2000	2100	2195	2195	1350	2050	2050	2050	1150	1950
3A	1950	2100	2195	2195	1350	1600	1600	1600	1150	1940
4A1	1950	2100	2195	2195	1350	1600	1600	1600	1100	1940
4A	1950	2100	2195	2195	1250	1600	1600	1600	1100	1930
4AG					650					
avg	1978.6	2100	2240	2240	1414.3	2017	2017	2017	1171	1950
Dryland										
1D1										
1D	795	435	500	530	550				510	510
2D1	795	435	500	530	500	455	455	455	390	390
2D	775	400	450	530	500	455	455	455	380	390
3D1	775	385	450	470	450	400	400	400	370	380
3D	770	385	450	470	420	375	375	375	370	380
4D1	750	385	450	470	400	375	375	375	360	370
4D	750	385	450	470	370	340	340	340	340	370
avg	772.86	401	464	496	455.71	400	400	400	389	399
% chg irr	39.061	19.1	20.7	22.1	32.222	19.8	19.8	19.8	33.2	20.4
Grassland										
1G1										
1G	300	300	385	400	400				325	380
2G1	300	300	355	400	390	335	335	335	315	370
2G	300	300	325	400	360	335	335	335	315	370
3G1	295	300	300	350	340	325	325	325	310	365
3G	295	300	300	350	330	325	325	325	310	365
4G1	290	300	300	350	320	325	325	325	290	360
4G	290	300	300	355	320	300	300	300	265	360
4GT1									310	
4GT2									280	
4GT3									250	
4GMT					160					
avg	295.71	300	324	372	327.5	324	324	324	297	367
% chg irr	14.946	14.3	14.4	16.6	23.157	16.1	16.1	16.1	25.4	18.8
CRP										
CRP Trees										
1C1										
1C	795				380					
2C1	795				350					
2C	775				350					
3C1	775				340					
3C	770				300					
4C1	750				290					
4C	750				250					
avg	772.86				322.86					
% chg irr	39.061				22.828					

12/18/2015

*Source: Garden County Assessor's office, December 18, 2015

Appendix D
Cash Flow Worksheet

CASH FLOW WORKSHEET

Cash flow stream data, showing progression of work by year of project implementation

YEAR	**2015**		
#0	**"Feasibility Study" equivalent**		
	Groundwater model analysis		
	10 parcels (100 ac. each)* @ $1,600.00 /analysis	$16,000.00	
	Legal Work		
	Title Search		
	Agreement Draft	$3,600.00	**$19,600.00 - C**
	10 agreements* @ 2 hr/agreement x $180/hr		
#1	**2016**		
	Agreement execution		
	Legal Work		
	File with county register of deeds		
	10 agreements* @ 2 hr/agreement x $180/hr	$3,600.00	
	Agreement payout		
	10 agreements @ 2 payments/year*	$750,000.00	**$753,600.00 – C**
	Actual cost amortization – see Appendix D, Table D-1		
#2 - #5	**2017 – 2020**		
	Agreement payout		
	10 agreements @ 2 payments/year* x 4 yrs	$3,000,000.00	
	Actual cost amortization – see Appendix D, Table D-1		
	Compliance/Field Inspection		
	$20.00 (Staff labor, resources per meter site)/visit	$800.00	**$3,000,800.00 – C**
	x 1 visit/year x 10 sites x 4 yrs		
	Streamflow credit		
	1,000 ac. x .75 irrigation efficiency x 14 ac-in crop		
	CU = 875 ac-ft potential streamflow credit	$875,000.00	**$875,000.00 – B****
	@ $250/ac-ft credit x 4 yrs		

Appendix D
Cash Flow Worksheet

YEAR	**2021 – 2065**		
#6 - #50	**Compliance/Field Inspection** $20.00 (Staff labor, resources per meter site)/visit x 1 visit/year x 44 yrs	$8,800	**$8,800 – C**
	Streamflow credit 1,000 ac. x .75 irrigation efficiency x 14 ac-in crop CU = 875 ac-ft potential streamflow credit @ $250/ac-ft credit x 44 yrs	$9,625,000	**$9,625,000 – B****

*For a 1,000-acre goal, this worksheet assumes an average of 100 acres per land parcel, for a total of 10 agreements to meet the acres target. Actual parcel size and number of individual agreements signed under the program may vary.

**Value to District of credit to North Platte River. Does not value reduced aquifer depletion in PCB. Does not account for monetary benefit to downstream water users or to endangered species under Platte River Recovery Implementation Program from increased streamflow.

APPENDIX E

LETTER OF SUPPORT FROM CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

415 Lincoln St.
P.O. Box 740
Holdrege, NE 68949-0740

CENTRAL
Nebraska Public Power
and Irrigation District

Phone: (308) 995-8601
Fax: (308) 995-5705
Web: www.cnppid.com

December 21, 2015

John Berge, General Manager
North Platte NRD
P.O. Box 280
Scottsbluff, Nebraska 69363

Dear John:

I appreciate the North Platte Natural Resources District providing Central a copy of your proposed application to the Natural Resources Commission for possible Water Sustainability Funding. Central supports your efforts to pursue options to restore streamflow and support the proposed application.

We look forward to continuing to work with you on water sustainability projects.

Sincerely,

Don Kraus, P.E.
General Manager