

Ground Water Management Area
Revisions
April 2006

Brad's comments in red
Mike's comments in blue

The Board of Directors approved these revisions as the working format for final consideration on May 9th, 2006. Hearing is planned for June 13th 2006. These revisions reflect the intent of the Board and it is understood that some content may be changed. *New language is typed in italics.*

RULE 1-1 MANAGEMENT AREA DESIGNATION AND BOUNDARIES

Add 1-1.1 A list of legal descriptions identifying the Quick Response and Platte sub areas is on permanent file at the office in Curtis and is available for inspection during normal business hours.

Rule 4-4 FLOW METERS

4-4.3 Installation

Add

4-4.3.7 *New installations or changes to the location of currently installed meters shall be permanent and shall be mounted no higher than six feet above ground level.*

4-4.3.8 *Electronic meters or meters with a digital readout must have an uninterruptible power supply.*

Add

4-4.9 *The district may require that meters that have been repaired two out of the last five years for vibration damage or more frequently to be moved to a location where vibration damage is minimal or modifications are made to the meter register that are more resistant to vibration damage.*

4-4.10 *By the beginning of the 2008 crop year all meters shall be permanently mounted in the irrigation distribution system.*

4-4.11 *Challenges of usage readings require that the landowner provide sufficient evidence to substantiate their claim. For electric wells power records may serve this purpose.*

RULE 4-5 REPORTS

4-5.1 ~~Each operator of a regulated irrigation well shall report on forms provided by the District by November 15 of each year, measurements that show or allow the District to determine the total water withdrawn from that well since the last report and the acres irrigated by that well during the preceding irrigation season.~~

When do they plan to report? They have been too late to meet the April deadline so far (if you accept my assertion that the data needs a thorough review before using it). I don't see that removing a reporting deadline is going to help the situation.

Add

4-5.1 *On forms provided by the district, all landowners with meters mounted in a portable tube or a tube that can easily be removed from the main distribution system shall report the location of storage of meters over the non irrigation season, the date the meter was reinstalled and the reading on the meter on the day it was installed.*

RULE 4-6 CERTIFICATION

add new 4-6.6 and renumber remaining sections

4-6.6 *By the beginning of the 2008 crop year all irrigated acres certified with the district must be taxed as irrigated acres by the County Assessor. Acres not assessed as irrigated will not receive an allocation and any unused allocation for those non-taxed acres shall be cancelled. (added by BDE) Transfers should be denied if the Assessors records do not show the originating acres on the books as irrigated. This wouldn't be an issue if they had done a thorough job certifying acres in the first place.*

RULE 4-8 INCENTIVE PROGRAM

Add Rules necessary to set up this program. The district shall establish an incentive program funded by local funds that will provide up to \$50.00 per acre in sign up bonus for irrigated lands in the Quick Response subarea that enroll in the federal EQIP Conversion Crop Rotation practice.

It is recommended that the district fund this program with at least an addition 1 cent of levy authority in addition to the current \$100,000 proposed for incentive programs.

RULE 5-2 TRANSFERS

(Brad's remarks: Transfers from the main stem to a named sub basin should not be allowed. Transfers into the Frenchman sub-basin should not be allowed.)

(Mike's follow-up to Brad: One reason you don't want to allow transfers from the mainstem to a named sub-basin is that in water short years Nebraska is to keep the CU in each sub-basin at or below the sub-basin allocation plus Nebraska's share of the unallocated for that sub-basin. In recent years Frenchman, Red Willow, Driftwood and Medicine Creek sub-basin's could not have met that test if a water short year had been invoked. It would be foolish to allow such transfers that would exacerbate the existing problem in water short years.)

5-2.5 Permanent Transfer. *A permanent transfer may be accomplished by decommissioning a well and discontinuing its certified use and transferring the right to that use to another owner or new location on property owned by the same landowner. The new well shall be limited to the quantity of the allocation associated with the certified use from the well being replaced.*

5-2.6 *Add new language and renumber remaining sections Permanent transfer of Acres. A landowner may permanently transfer a portion of his certified acres to another party. This transfer shall not result in an increase in total certified*

acres. The district may limit this transfer according to rules 5-2.7 through 5-2.12 and the capability of the wells involved to pump water to the acres transferred.

5-2.10 Add new language and renumber remaining sections. The District may deny a request for transfer based on the rate of decline in the area into which the transfer will be used. District statistics and Ground Water Level Change maps from the Conservation and Survey Division of the University of Nebraska may be used for a reference of areas of decline.

5-2.11 Add new language The District may deny or condition a request for transfer based upon the capacity to pump the water from the site of withdrawal. Transferees must be able to demonstrate that they can pump the base allocation per acre in 49 days. The condition would allow for a lesser amount to be transferred based upon the capacity to pump the transferred amount under the standard above.

This change would require 5.0 gallons per minute per acre capacity for a well to be able to transfer all certified acres. For lesser capacities a percentage of the acres could be transferred. At 4 gallons per minute per acre only 80 percent of the allocation could be transferred.

RULE 5-3 ALLOCATION

Current language

5-3.3 ~~New industrial uses shall be granted an allocation determined by their proposed need for a period of five (5) years. Future allocations will be based on the high use over that five (5) year introductory allocation. Additional allocations, up to twenty (20) percent above established use, may be granted for expansion. The industry shall provide notice to the District of its need for additional allocation. Additional allocations as needed to comply with state or federal rules shall be added to the certified use without penalty to the industry. Allocations for industrial wells the use of which come under the authority of the Industrial Ground Water Regulatory Act, shall be determined by the amount permitted by that Act.~~

5-3.3 *New language New industrial uses shall be granted a consumptive use allocation of 80.65 acre feet per year. Allocation over and above this amount shall be the responsibility of the user and shall be obtained by discontinuing an existing certified use.*

A 50 gpm well pumping 24/7/365 amounts to 80.65 acre feet

5-3.11 **SUPPLEMENTAL WELLS** – For the period commencing January 1, 2005 and ending December 31, 2007,

5-3.11.1 Allocation: Thirty nine (39) inches minus the amount of surface water delivered or transferred to surface water irrigated acres that do not have a supplemental well used on those acres also

irrigated with ground water. (This is an increase in GW pumping in the quick response area and the base allocation district wide should be adjusted. BDE)

- 5-3.11.2 In a Water Short Year, base certification and maximum allocation shall be in accordance with 5-3.8 and 5-3.9 minus the amount of surface water ~~delivered or transferred to surface water irrigated acres that do not have a supplemental well.~~ *used on those acres also irrigated with ground water.*