

Tri-Basin NRD

Important New Limitations and Requirements for Landowners

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Introduction: Tri-Basin NRD has been challenged to take action to respond to the ongoing groundwater quality problems, the drought, changes in Nebraska water law and the settlement of the *Kansas v Nebraska* lawsuit. We have responded with a comprehensive set of rules and regulations that are flexible enough to account for local circumstances, incremental to avoid over-regulation of landowners, yet stringent enough to protect existing groundwater resources. Following is an outline of some key NRD rules. You can obtain a complete copy of Tri-Basin NRD's rules and regulations by visiting our office at 1723 Burlington in Holdrege, calling our toll-free phone number (877) 995-6688, or by visiting our website, www.tribasinnr.org.

Groundwater Quality Management (Section 3 of NRD rules):

- Phase III groundwater quality management rules are now in effect in a large portion of the original NRD groundwater quality Phase II management area (see map and NRD rule 3.5 and sub-sections).
- The key requirement in phase III quality management areas is that no more than 60 pounds per acre of Nitrogen can be applied in phase III areas for spring-planted crops before March 1 each year (see NRD rule 3.5.2).
- All other requirements for groundwater quality phase II areas remain in effect in phase III areas (see NRD rule 3.5.1).

Groundwater Quantity Management (Sections 7 and 8 of NRD rules):

- All of Tri-Basin NRD is in phase I regulation for groundwater quantity, to protect existing groundwater supplies.
- Phase I quantity management requirements (see map and NRD rule 8.3 and sub-sections) include greater well spacing requirements for new wells. New wells that are designed to pump more than 1000 gallons per minute must be 1320' from all existing wells. New wells designed to pump more than 1500 gallons per minute must be 2640' from all existing wells.
- Permanent flowmeters are required on all new wells (see NRD rule 8.3.3), and landowners must report water use annually.
- Landowners who want to use a well to pump groundwater on land that they don't own must apply for a groundwater transfer permit (see NRD rule 7.5). A well or wells that will be used to pump water for transfer must be metered (see NRD rule 7.6).
- Tri-Basin NRD requires landowners to agree to a series of conditions on use of new groundwater wells when they apply for new well permits.
- Township 5-22 (Union Twp.) in Gosper County is in phase II groundwater quantity management (see map and NRD rule 8.4 and sub-sections).

- In a phase II groundwater quantity management area, no new irrigated land can be developed, flowmeters are required on all wells and the NRD board of directors must approve permits for new wells.
- If groundwater levels in a phase II township don't return to 1981-85 average levels within three years, that township will be declared a phase III groundwater quantity management area and landowners will be subject to groundwater pumping allocation (pumping limitations).

Integrated Groundwater Management (see Sections 9 and 10 of NRD rules):

- State law requires NRDs to protect surface water resources from depletion due to consumption of interconnected groundwater resources.
- No additional cropland, hayland or pasture can be developed for irrigation within the integrated management area unless landowners agree to return an equal amount of existing irrigated land to dryland uses (see map and NRD rules 9.2, 10.3 and sub-sections). Landowners must apply for a certified irrigated land transfer permit before developing any land for irrigation.
- All existing irrigated acres will be certified for groundwater irrigation if they have been assessed as irrigated land for property tax purposes, or if a landowner can provide independent verification that land was irrigated during or after 1997, but before an area was subject to integrated management rules (see Section 10 of NRD rules).

Republican River Basin flowmeter requirements (see Sections 5 and 6 of NRD rules):

- As part of the settlement of the *KS v NE* lawsuit, permanent flowmeters are required on all wells capable of pumping more than 50 gallons per minute.
- Landowners must report water use annually.
- Tri-Basin NRD personnel verify flowmeter readings on 25% of Republican Basin wells every year.