

# Natural Resources News

Winter 2004      A Newsletter of the Twin Platte Natural Resources District Vol. 17

Come visit our web page to find out more about what we can do for you: <http://www.tpnrd.org>

## Board Proposes Temporary “Time Out”

At the Board of Directors meeting on December 9<sup>th</sup>, the Board proposed a temporary “time out” on the drilling of new wells within parts of the district. The proposed suspension of drilling new wells will allow the Board and the State of Nebraska to assess the interconnection between ground water and surface water, to determine if a problem exists and how bad it might be. The Department of Natural Resources has indicated to the NRD that the Basin is fully appropriated, and in some places, especially upstream from Elm Creek, it is over-appropriated. The current drought has aggravated the water problems, especially between surface water and ground water. The State feels that if nothing is done, existing surface water users and/or ground water users will increasingly be faced with less and less water supply, which could effect the assets of current water users.

The proposed “time out” on drilling will allow the Board time to determine if the district’s surface and ground water supplies are over-appropriated, and to develop an integrated water management plan if needed. The temporary suspension could be lifted by the Board anytime conditions change, but would normally last for three years and may be extended for an additional two years to complete the study and management plan. At the end of the suspension, the management plan could include a provision for drilling new wells with approved plans of augmentation, and the management plan could include a moratorium if science determines the need.

Public hearings will be held throughout the district in January to discuss the temporary suspension of drilling new wells. Wells not subject to the suspension include replacement wells, those wells that pump less than 50 gallons per minute, de-watering wells pumping less than 90 days, and test hole wells. Variances may be granted for emergency situations involving the provision of water for human consumption or other good causes shown, including contamination or remediation, and monitoring and observation wells.

The area included in the proposed temporary suspension runs the length of the district through Keith and Lincoln Counties, and six to eight miles either side of the North Platte, South Platte, and Platte Rivers. The final decision on implementing the temporary suspension will be made at the Board of Directors meeting on February 12, 2004. If the Board decides to go ahead with the temporary suspension, the suspension would be effective July 1, 2004.

The Department of Natural Resources Director, Roger Patterson, met with the Board of Directors on November 13, 2003 to discuss the surface and ground water issues within the Twin Platte NRD, and urged the district to suspend drilling. He pointed out that as part of the Water Policy Task Force, legislation is expected to include an annual study of each Basin to determine if the Basin is fully or over-appropriated, which would begin in January 2005. A temporary suspension of drilling new wells would allow the NRD and the State to be proactive to the water situation within the district, and allow time for a plan to be developed.

The decision also includes the possibility that the Platte River Cooperative Agreement will be implemented. Currently, the State is proposing to mitigate or offset any new depletions after July 1997; however, the mitigation amount continues to build due to new wells being drilled. If the State doesn’t pick up their obligation, the responsibility will likely fall back to NRD’s or water users who would be required to offset depletions from post-1997 wells by giving up part of their irrigated acres.

(“Time Out” continued on page 3)

**Proposed Rules and Regulations**  
**Temporary Suspension - Drilling of New Wells**

**AUTHORITY**

The authority for these rules is contained in Chapter 46, Reissue Revised Statutes of Nebraska, Article 6, specifically section 46-656.28 of the Nebraska Ground Water Management and Protection Act.

**GENERAL PROVISIONS**

In December of 2003, the Twin Platte Natural Resources District requested that the Department of Natural Resources conduct studies and hold a hearing on the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water in the Natural Resources District.

**Rule 1. AREA DESIGNATION AND BOUNDARIES**

As per accompanying map entitled "Area for Suspension of Drilling New Wells" and dated "December 9, 2003".

**Rule 2. DEFINITIONS**

- 2.1. **Dewatering well:** Shall mean a water well constructed for the purpose of temporarily lowering the ground water surface elevation.
- 2.2. **Ground Water:** Ground water shall mean that water which occurs in or moves, seeps, filters, or percolates through ground under the surface of the land.
- 2.3. **Replacement well:** Shall mean a water well which (a) replaces a previously abandoned water well within three years of the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well and the original water well will be decommissioned within one year of construction of the new water well; and (b) if for irrigation, is constructed to provide water to the same tract of land served by the water well being replaced. A replacement well as defined in section 46-602 is subject to the same provisions as the water well it replaces.
- 2.4. **Test hole:** Shall mean a hole designed solely for the purpose of obtaining information on hydrogeologic conditions.
- 2.5. **Well or water well:** Shall mean a water well as defined in Section 46-601.01, Revised Statutes of Nebraska.

**Rule 3. TEMPORARY SUSPENSION OF THE DRILLING OF NEW WELLS**

- 3.1. Effective July 1, 2004, and except as provided in rule 3.2, there is a temporary suspension in the drilling of new wells. Such temporary suspension shall apply only in the area shown as the "Area for Suspension of Drilling New Wells" on the map referenced by Rule 1.
- 3.2. Wells not subject to rule 3.1 are:
  - 3.2.1. Test holes.
  - 3.2.2. Dewatering wells with an intended use of less than ninety days.
  - 3.2.3. Water wells designed and constructed to pump fifty gallons per minute or less; provided that, if two or more water wells have individual pumping capacities of fifty gallons per minute or less but a combined capacity of more than fifty gallons per minute, and if those wells are to be clustered or joined for a single purpose or if the water therefrom is to be commingled or combined for a single purpose, those wells shall be considered as one well and shall be subject to Rule 3.1.
  - 3.2.4. Water wells to be used as replacement wells. Any person wishing to construct a replacement water well within the temporary suspension area identified in Rule 3 shall first obtain the approval of the Twin Platte Natural Resources District General Manager. Such approval shall be granted upon the general manager's determination that the proposed replacement well is consistent with the criteria in Rule 2.3 for such wells. Disputes over any such determination shall be referred to the Twin Platte Natural Resources District Board of Directors for resolution.
- 3.3. This temporary suspension of drilling shall remain in effect until July 1, 2007, unless rescinded by the Twin Platte Natural Resources District.
- 3.4. This temporary suspension can be extended by amendment of these rules and regulations beyond July 1, 2007, on an annual basis until July 1, 2009.

**Rule 4. VARIANCES**

- 4.1 The board may grant variances from the strict application of these rules and regulations if it determines that construction of a new well is necessary to alleviate an emergency situation involving the provision of water for human consumption or upon other good cause shown.
- 4.2 An expedited variance may be granted by the Twin Platte Natural Resources District's Manager or his designated representative for the purpose of:
  - 4.2.1. **Contamination / Remediation.** Shall mean a water well, constructed to recovery well standards, for the purpose of withdrawal or treatment of contaminated water, or for the introduction or removal of air, water, or chemicals. The variance request shall include written approval of the state agency with supervisory responsibility for the planned project.
  - 4.2.2. **Monitoring / Observation.** Shall mean a water well, constructed to the appropriate well standards, for the purpose of withdrawal of water or the observation of water levels during aquifer testing, collection of water quality samples and providing hydrogeology information. A monitoring / observation well shall not have a permanent pump installation. The variance request shall include the planned disposition of the monitoring / observation well after its intended use is completed.
- 4.3 All requests for a variance, other than those in Rule 4.2, shall be made on forms provided by the district and will be acted upon after a hearing before the district.

**Rule 5. VIOLATIONS**

These rules and regulations shall be enforced by the district through the use of cease and desist orders in accordance with district rules. In accordance with Section 46-656.10, R.S. Supp., 2003 any violation of a cease and desist order issued by the district shall be subject to a civil penalty of not less than one thousand dollars and not more than five thousand dollars for each day an intentional violation occurs.

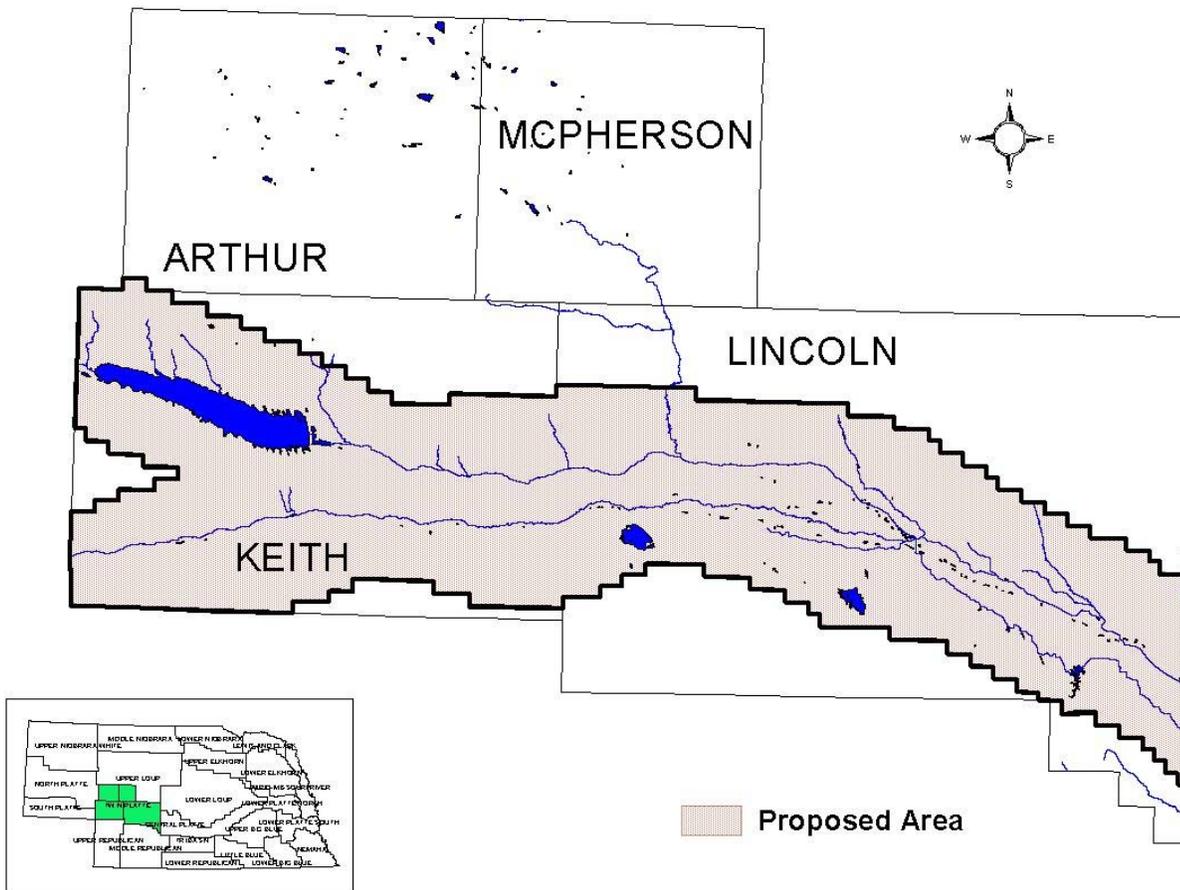
("Time Out" continued from page 1)

## PUBLIC HEARING DATES

The Public Hearings that will be held are on the proposed temporary suspension on the drilling of new wells within parts of the district, rules and regulations governing the suspension, and boundaries of areas proposed. See page 2 for the rules and regulations.

The Public Hearings will be preceded by a short presentation, and a question and answer session. The hearings will be open to the public, and interested persons will be heard. Precise maps and a completed copy of the proposed rules and regulations are available at our website: [www.tpnrd.org](http://www.tpnrd.org); or at our office.

## **PROPOSED AREA FOR THE SUSPENSION OF DRILLING NEW WELLS (Within Twin Platte Natural Resources District) December 9, 2003**



### **PUBLIC HEARINGS**

#### **Date**

Tuesday, January 13, 2004  
Time: 1:00 p.m. MST

#### **Location**

Grey Goose Lodge, 201 Chuckwagon Rd  
Ogallala

Tuesday, January 13, 2004  
Time: 7:00 p.m. CST

North Platte Community College, Theater  
601 W State Farm Rd  
North Platte

## Twin Platte Natural Resources District

### Board of Directors.....Sub-District

Jim Rubenthaler.....(H)584-3578.....At-large (Chairperson)	
Doug Stack.....(W)535-8308.....3 (Vice-Chairperson)	
Jerry Weaver.....(W)534-9240.....3 (Secretary)	
Jim Meismer.....(H)284-6509.....5 (Treasurer)	
Bob Petersen.....(H)532-2689.....2	
Joe Wahlgren.....(H)537-3136.....2	
Todd Kramer.....(H)764-2421.....1	
Jeff Baldrige.....(H)534-7780.....4	
Bob Wiseman.....(H)368-5866.....4	
Eric Hansen.....(W)532-6244.....1	
Dennis Schilz.....(W)287-2341.....5	

### Staff Members.....Position

Kent O. Miller.....General Manager	
Dave Slattery.....Conservation Programs Coordinator	
Bill Carhart.....Range Programs Coordinator	
Glen Bowers.....Water Programs Coordinator	
Ann Dimmitt.....Water Programs Technician	
Amy Mapes.....Administrative Assistant	
Kathy Clark.....Field Office Secretary, North Platte NRCS	

Natural Resources News is the official publication of the Twin Platte Natural Resources District. This quarterly publication is partially funded by a 319 Grant from the U.S. Environmental Protection Agency through the Nebraska Department of Environmental Quality. If you have any questions, comments, suggestions, or would like to be placed on our mailing list, please feel free to submit them to:

Twin Platte Natural Resources District  
C/O Ann Dimmitt, Water Programs Technician  
P.O. Box 1347  
North Platte, NE 69103-1347  
Phone: (308)535-8080  
Fax: (308)535-8207  
e-mail: tpnrd@nponline.net

## Chemigation Limitations Near Streams or Canals

Many miles of natural streams, irrigation ditches, and canals flow through the Twin Platte Natural Resources District. As more pivot irrigation systems are being installed in proximity to these flowing bodies of water, we remind you about a related District policy involving chemigation; the policy states that the Twin Platte Natural Resources District shall deny an application for a chemigation permit where an irrigation system has any portion of its' equipment passing directly over flowing waters of the State. This policy does not apply to intermittent draws that often occur in areas with more slope. It also does not apply to wetlands, though there are State and Federal regulations that must be observed when applying fertilizer or pesticides near any such body of water. Contact the District office if you need more information on this subject.

### Upcoming Events:



#### January

- 8 Board of Director's Meeting - 3:00 p.m. CST\*
- 13 Public Hearings (See page 3)

#### February

- 4 & 5 Farm & Ranch Ag Expo - D & N Event Center
- 12 Board of Director's Meeting - 3:00 p.m. CST\*

#### March

- 11 Board of Director's Meeting - 3:00 p.m. CST\*
- \* Board Meetings are held in the United Nebraska Bank Center-North Platte

## Twin Platte

### NATURAL RESOURCES DISTRICT

111 South Dewey Street  
North Platte, NE 69101

Postal Patron