



Sand & Soapweed

Newsletter of the *Middle Niobrara Natural Resources District*

“Protecting Lives, Protecting Property, Protecting the Future”.

New Groundwater Rules Approved By Board

Middle Niobrara Natural Resources District Rules and Regulations for the Implementation of LB 483 (Neb. Rev. Stat. § 46-714(12) 2009)).

Adopted September 12, 2011

Effective Date October 4, 2011

1. PURPOSE AND AUTHORITY: The purpose of these rules and regulations are, in accordance with Neb. Rev. Stat. § 46-714(12) and §46-707(1), to:
 - a. Limit the number of new permits so that total new ground water irrigated acres do not exceed 2,500 acres, or equivalent water use, on an annual average basis from 2011-2014.
 - b. Maintain the status of not fully appropriated based on the most recent basin determination under Neb. Rev. Stat. § 46-713.
2. Acre Limitation: If in any one year the total number of new irrigated acres is less than 2,500, the difference between 2,500 acres and the new irrigated acres may be carried forward for development in future years. Under no circumstance shall the total number of new irrigated acres exceed 10,000 over the four years following the adoption of this rule.
3. LIMITATION ON DEVELOPMENT OF IRRIGATED ACRES: Effective immediately, there shall be no development of groundwater irrigated acres within the Middle Niobrara NRD. Such activity is strictly prohibited unless the development is approved by the Middle Niobrara NRD in accordance with these rules and regulations.
4. ENFORCEMENT: The Middle Niobrara NRD will enforce the limitation described in Section 2 of these rules and regulations consistent with its authority under the Nebraska Ground Water Management and Protection Act and the District’s rules and regulations, including, but not limited to, Neb. Rev. Stat. § 46-707(1)(g). A violation of these provisions may be grounds for

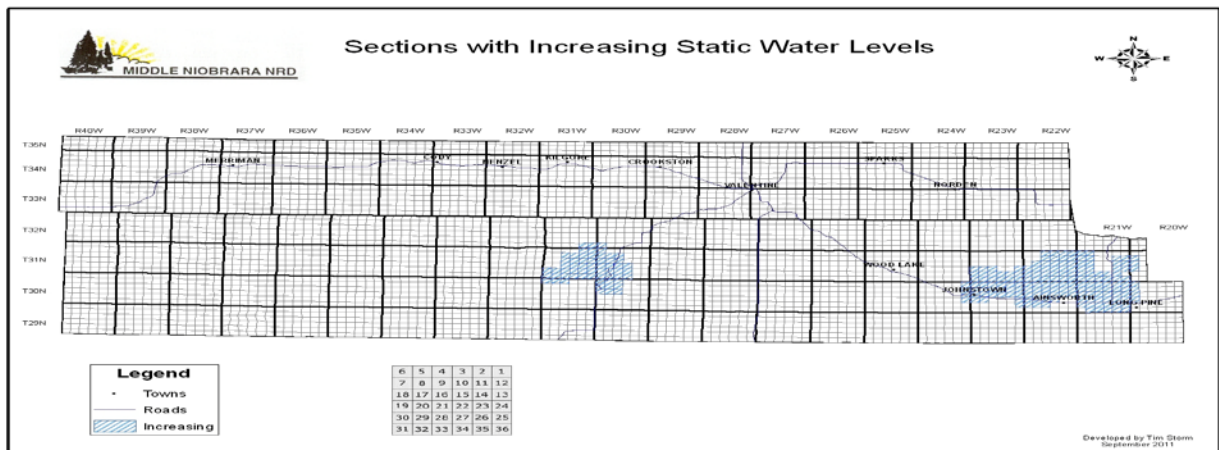
denying an application to develop new groundwater irrigated acres under the ranking criteria set forth below.

5. WELL PERMITS: If a request for the development of new irrigated acres requires the installation of a new groundwater well, the respective well permit application will not be deemed complete until authorization is granted by the Middle Niobrara NRD for the development of those irrigated acres.
6. PROCESS FOR APPLICATIONS TO DEVELOP IRRIGATED ACRES: The process for requests to develop new groundwater irrigated acres and/or uses shall be as follows:
 - a. The application period to apply for new groundwater irrigated acres shall be from November 1 through December 20th of each year (2011-2014).
 - b. Applicants will be notified of the status of their request within 14 days after the January MNNRD Board meeting following the application period for each year.
 - c. The application shall be made on forms provided by the district.
 - i. The application shall include the most recent aerial photo delineating the new acres being applied for and, as applicable, the location of the new or existing well to be used.
 - ii. The application shall be accompanied with a non-refundable filing fee of \$500.
 - iii. The application shall be signed by the current landowner or person holding power of attorney.
 - iv. The application is non-transferable.
 - v. The application does not include the permit fee to construct a well.
 - vi. For any other use other than an irrigated crop field, the application must include a description of the annual water consumptive use and source of the information.
 - vii. The application may be declined if it is incomplete.
7. RANKING CRITERIA: The applications shall be ranked based on criteria set by the Middle Niobrara NRD. Items to be considered include, but are not limited to:
 - i. Stream depletion factors
 - ii. Compliance with NRD Rules and Regulations
 - iii. Static Water Level Area
 - iv. Number of wells needed
 - v. Type of irrigation

Points will be awarded based on the above criteria as set forth in the attached ranking sheet identified as appendix A. Applicants must score at least 25 points on the ranking sheet to be approved.

8. Tie Breaker Criteria: If there are applications for the development of new irrigated acres and/or uses that have the same score under the ranking system, preference will be given to the application scoring the highest on item number 1 of the ranking criteria. If a tie score still exists preference will be given to the application scoring the highest on item number 2 of the ranking criteria and so on until the tie is broken.
9. Restricted Areas: No new irrigated acres and/or uses will be allowed in areas deemed by the MNNRD as having declining static water levels as identified in appendix B.

10. **Number of Applications:** Landowners may submit 2 applications (1 field of 160 acres or 160 acre feet of consumptive use or less) per application, per year. If the 2,500 acre maximum is not met, landowners with a second application will be considered for the remaining acres. Maximum of 2 applications per landowner per year.
 - a. Landowner is defined as any individual, corporation, limited liability company, partnership, other entity or trust.
 - i. For the purpose of this rule, if an individual and any member of his or her immediate family owns and controls, directly or indirectly, more than fifty percent (50%) of the said acres, either individually or through a corporation, limited liability company, partnership, other entity or trust, such acres will be considered owned by the applicant. A member of one's family shall include spouses, children, and lineal descendants of the same.
11. **Number of wells:** No more than 2 wells per field will be allowed.
12. **Certification of Irrigated Acres:** The certification of the new irrigated acres and/or uses must be completed with the Middle Niobrara NRD by May 1 and before a well application will be granted.
13. **Well Completion:** If a new well is granted, proof that the new well has been completed must be submitted to the Middle Niobrara NRD by October 15th of the same year that the well permit was issued. Proof shall mean a registration number issued by the Nebraska Department of Natural Resources and/or a site visit by a staff member of the Middle Niobrara NRD.
14. **FLOWMETERS REQUIRED:** Installation of a flowmeter approved by the Middle Niobrara NRD and yearly reporting of water usage to the District is required as a condition of approval of any application for the development of new groundwater irrigated acres and/or uses. Flow meters will be used for the purpose of acquiring water use data to better manage the resource. Annual Spring and Fall static water level measurements taken by the MNNRD will be required.
15. **GRANTED APPLICATIONS:** Applications granted under these provisions are deemed unique and special with regard to the specific application, and do not create a precedent for future applications or matters pertaining to other lands, whether or not they are similarly situated.
16. **CANCELLATION OF APPROVED APPLICATION:** The Middle Niobrara NRD may cancel or void an approved application at any time for violation of the District's rules and regulations.





Appendix B Restricted Areas for New Acre Development



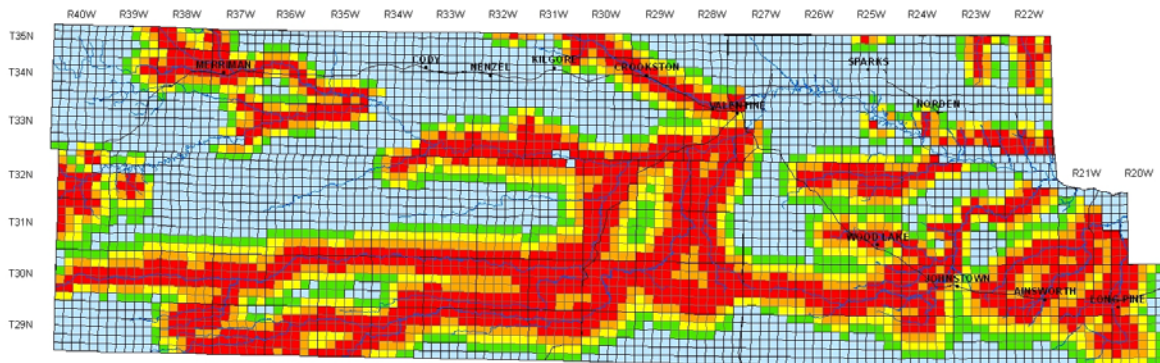
Legend

- Towns
- Roads
- Restricted

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

Developed by Tim Storm
September 2011

50 Year Stream Depletion Percentages



Legend

Depletion Percentages

- 0 - 49.9
- 50 - 59.9
- 60 - 69.9
- 70 - 79.9
- 80 - 99.9

Middle Niobrara Natural Resources District

Developed By Tim Storm
August 2011

Pruning Storm Damaged Trees

Recent summer storms have caused significant tree damage in many parts of Nebraska. Often you will have to decide whether a tree can be saved or not. Here is a checklist on care of a storm-damaged landscape.

1. Be safe: Check for downed power lines or hanging branches. Don't venture under the tree until it is safe. If large limbs are hanging precariously, a certified arborist has the tools, training, knowledge and insurance to do the work safely and correctly.

2. Cleanup: Remove debris so you don't trip over it.

3. Decide whether it is feasible to save a tree. If significant structural damage has been done such as large main branches broken off or cracked, it may be safer and best to consider removing the tree. A good rule of thumb is if over 1/3 of the canopy has been damaged / lost replacement should be a consideration. If there are so many broken limbs that the tree's form is destroyed, replacement may also be the best option. Topping, where all the main branches are cut and there are only stubs left, is not a recommended pruning procedure. Though new branches will normally arise from the stubs, they are not as firmly attached as the original branches and more likely to break in subsequent storms. Also, the tree must use a lot of energy to develop new branches, leaving less to fight off diseases and insect attacks. Often, the topped tree's life is shortened - plus its just plain ugly. Who wants a large ugly tree sitting out in their landscape?

4. Prune broken branches to the next larger branch or to the trunk. If cutting back to the trunk, do not cut flush with the trunk but rather at the collar area between the branch and the trunk. Cutting flush with the trunk leaves a much larger wound than cutting at the collar and takes longer to heal. Middle-aged or younger vigorous trees can have up to one-third of the crown removed and still make a surprisingly swift comeback.

5. Take large limbs off in stages. If you try to take off a large limb in one cut, it will often break before the cut is finished and strip bark from the tree. Instead, first make a cut about 15 inches from the trunk. Start from the bottom and cut one-third of the way up through the limb. Make the second cut from the top down but start 2 inches further away from the trunk than the first. The branch will break away as you make the second cut. The third cut, made at the collar area, removes the stub that is left. Note: Pruning can be dangerous. Consider hiring a trained arborist to do major work such as this. Also, a good arborist knows how to prune trees so that storm breakage is less likely to occur. Preventing damage is better than trying to fix it once it has happened. The Arbor Day Foundation maintains an excellent Web site that contains detailed information. The URL is: <http://www.arborday.org/media/stormindex.cfm>

WATER SEMINAR NOVEMBER 30, 2011

The Middle Niobrara NRD will again be hosting our annual Water Seminar in Johnstown, NE at the Brown County Ag Building on November 30, 2011. The NRD, NRCS, FSA, UNL-Extension and others are in the planning process now and some of the topics presented will include: Water Savings with No-Till, Last Irrigation Prediction, Groundwater Rules Updates, Water Sampling & Static Water Level Data in the Middle Niobrara NRD, and Technology Updates. Lunch will be provided and we hope all interested producers will plan on attending the seminar.



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