

HIGHLIGHTS OF LITTLE BLUE NRD GROUNDWATER RULES – SEPTEMBER 2018

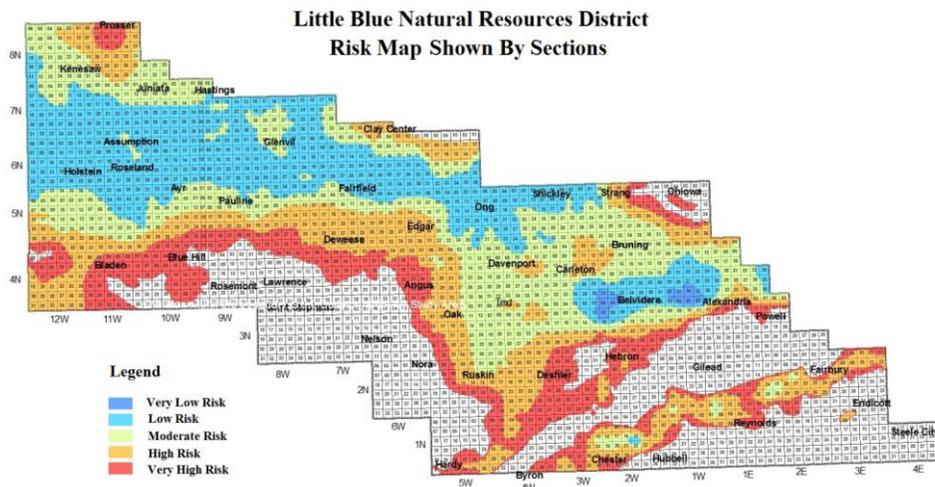
The Little Blue NRD Board adopted new rules on August 14, 2018 which make significant changes to groundwater triggers, procedures for allocations of groundwater, future development limitations and water quality program requirements. Below is a summary of the new rules.

Permits

- All well permits will be scored using the tools developed with the Hydro-Geologic Study to determine the potential for well capacity, and for potential impacts to soils by erosion.
- Conditions may be applied to the well permit based on the score received in the process.
- If the score falls below 100 points, the rules below apply.

Regulations in Marginal Aquifers (“Very High Risk Areas” – shown on map below)

- No more than one well may be installed per 80 acres in the “Very High Risk” areas.
- Applicants for proposed wells in High Risk and Very High Risk Areas must apply for a pre-permit to have the aquifer scored.
- Operators with well sites receiving a score of 100 points or less must prove that the aquifer has the capacity to develop and maintain a productive well. The proposed well must be installed and test pumped for a 24-hour period between August 1 and September 30 and must have a continuous metered output of at least 400 gpm throughout the 24-hour test pump period, verified by the NRD staff.
- If the well fails to meet the test, it must be decommissioned, or may be registered only as a domestic or livestock well and equipped with a pump that will not pump over 50 gpm.

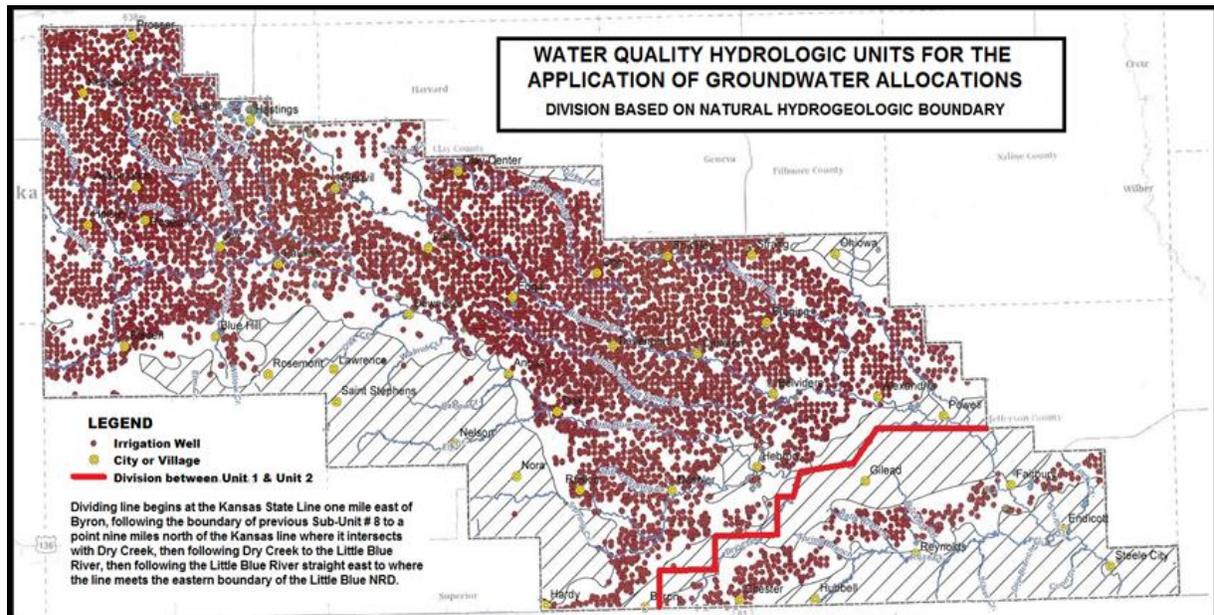


Stay on Well Drilling

- A stay on new high-capacity water wells and the expansion of irrigated acres will occur immediately upon the announcement that the allocation trigger is met the first year.
- Expansion of irrigated acres may be permitted if converting to more efficient system at the Board’s discretion, however no additional allocation would be granted for such acres.
- A stay was placed on lands in NW Adams County which contribute to stream depletions of the Platte River.

Allocations

- The new groundwater quantity trigger is one foot (1') below 2016 spring water level.
- Water levels must remain below the allocation trigger level for two consecutive years before allocation is triggered. However, allocation would occur immediately that year.
- Two natural water quantity hydrologic units (sub-areas) are shown on the map below. Monitoring data and allocation triggers are exclusively applied based on the boundary of these two areas.



- The initial allocation for agricultural producers would be twelve inches (12") per acre per year for a five-year allocation period, or sixty inches (60"); with a one-time 5" account balance granted per certified acre in the first allocation period. That totals 65" in all per acre for the 5-year period.
- Up to eight inches (8") of unused allocation would be allowed to be carried over into the next allocation period.
- A combining of allocations could only occur if tracts are under the same ownership and management, lie adjacent to each other and are served by an interconnected irrigation system
- Allocations would be suspended when water levels rise to three feet (3') above the allocation trigger level and are above that level at the end of the allocation period.

Operator Certification & Training

- All farm operators who farm in designated water quality sub-areas, are required to attend operator training. Training for operator outside the water quality areas are invited, but not required to attend.
- Re-certification is required every four years.
- Crop Consultants are also required to attend training and will receive Continuing Education Credits for their participation.

Water Quality Measures

- Pre-plant anhydrous ammonia may not be applied prior to November 1st.
- Pre-plant liquid and dry forms of nitrogen fertilizer may not be applied prior to March 1st without obtaining a permit from the NRD, and reporting required information to the District.
- No fall nitrogen fertilization may be applied to sand, sandy loam, and loamy sand soil types before March 1st.
- Soil sample of 0” to 8” and 8” to 24” are required district-wide for each 80 acres of land where corn, sorghum or forage sorghum will be planted in the subsequent crop year. Soil sampling is required each year and sample records should be kept. The District will do spot-checks of .
- When 60% of the District’s monitoring wells in an area indicate that groundwater nitrate levels exceed 7 ppm, the District will establish a Level II water quality subarea which requires the following actions:
 - Initial operator reports to determine extent of farm operations and management;
 - Operators must establish a demonstration field and implement the following activities for that field:
 - one deep and one shallow composite soil residual nitrate test is required for each 40 acres increment of field size;
 - Operators are required to adhere to a licensed laboratory’s fertilizer recommendations based on the soils test.
 - Irrigation scheduling is required on the demonstration field.
 - Year-end reporting of all Demonstration Field farm/fertilizer activities provided to the NRD;
- When 60% of the District’s monitored wells in an area indicate that groundwater nitrate levels exceed 10.0 ppm, the following actions are required:
 - All measures above;
 - Fall applications of commercial nitrogen fertilizer are prohibited prior to March 1st unless an inhibitor is used;
 - Soil samples are required on all fields.
 - All available nitrogen credits calculated in soil fertility recommendations and required adherence to laboratory fertilizer recommendations on all fields.
 - Irrigation scheduling required on all irrigated fields.
 - Operators are required to maintain records of all crop and field data. The NRD will select operators at random to submit the required annual reports.

Enforcement of Irrigation Runoff Regulations. Complaints of improper irrigation runoff may be filed by any person or NRD representative for activities which exhibit the waste of groundwater, or the accumulation of water on lands of another person which causes visible damage or nuisance. The NRD will conduct inspections of alleged violations and work toward remedy of the violations or file a cease and desist order with the courts.

A complete set of the Rules and Regulations are found at: <http://littlebluenrd.org/rules-regulations/>

If you have questions regarding the rules, please contact the Little Blue NRD 402 364-2145.