

INSTRUCTIONS TO FILL OUT VARIANCE REQUEST FOR A NEW IRRIGATION WATER WELL IN THE HYDROLOGICALLY CONNECTED STAY MANAGEMENT AREAS OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: July 13, 2009

Introduction

On December 16, 2008 the Nebraska Department of Natural Resources declared that the Lower Platte Basin was "Fully Appropriated." This required the LPNNRD to place a Stay on new wells and expansion of irrigated acres in the hydrologically connected portions of our District. In April 2009 they declared a 'status change', which allowed the LPNNRD to expand irrigation in this portion of our District, provided we rewrote our Ground Water Management Area Rules and Regulations and submit those to the State for their review and approval. **The LPNNRD goal is to allow expansion of irrigation up to 2,500 acres per year for four years (2009 through 2012).**

Application Process

Since we are limited to 2,500 acres per year, the **District will accept variance requests up until September 15, 2009**, which will apply for 2009 and 2010. **It is important to note, that not all variance requests can be granted.**

In most cases, if the landowner is looking to **add a new well** and expand irrigated acres on **no more than 160 acres per field**, the application process is fairly straight forward.

- On the Variance Request form, fill out pages 1, 2, and on page 5 fill out Section A.
- On the Variance Supplement form fill out pages 1 and 2.
- Attach current assessor records for this land.
- Attach aerial photocopy with clearly marked field boundaries (both non-irrigated and irrigated portions of field), proposed location of well, proposed irrigation system such as pivot point or gated pipe, etc. See the variance form and supplement for details.
- Submit variance fee of \$75.00
- If you purchased the land, modified the land, drilled a test hole or purchased an irrigation system between the Fall of 2007 to December 16, 2008 but had not yet applied to the NRD for a well permit, please submit copies of receipts, invoices or other bills for these items to get credit for your expense.
- Submit all this information to the LPNNRD by the **deadline of September 15, 2009**. The NRD will apply a ranking criteria to each application to determine which landowner will be able to expand their irrigation.

If the landowner wants to add more than 160 acres then this could be classified as a class 3 or 4 Variance, which will require more information and additional fees. For a class 3 Variance an additional fee of \$250 is required for District review and submittal of well information of all wells in a 2-mile radius of your proposed well. For a Class 4 variance an additional fee of \$500 is required, as well as, submittal of a ground water flow model. See the "Variance Request" form for more details.

Irrigation Ranking Criteria

Staff will assign points for each application following the example shown on the “Irrigation Ranking Criteria for Hydrologically Connected Area” sheet. At the Water Committee on September 30, 2009 recommendations will be made for the October Board meeting (October 12, 2009) as to which landowners will be able expand based on the highest point totals until the number of acres for that individual region have been assigned. For more details see the “Supplement to Variance Requests –“ sheet.

If you are Approved for New Water Well

- If you are approved, the landowner has 90 days to submit a well permit to the District after the Variances are issued on October 15, 2009 or January 1, 2010. **The landowner needs an approved variance and well permit in order to drill the well.**
- Following completion of the well, landowner has 90 days to update County Assessor records to show the land is now irrigated and submit the well registration information to the Dept. of Natural Resources.
- Install a District approved flow meter and report the annual pumping amount to the LPNNRD on an annual basis.
- Approved variances will be reviewed annually by the District. The District may cancel or void an approved variance at any time if the Board finds violation of the District’s rules and regulations.

If you have any questions, please contact the Lower Platte North NRD at 402-443-4675.

Attachments

- “Variance Request for New Water Well in a Stay Management Area of the Lower Platte North NRD (LPNNRD)”
- “Supplement to Variance Request for Expansion of Irrigated Acres from an Existing Well or from a New Water Well Located in the Hydrologically Connected Stay Management Area of the Lower Platte North NRD (LPNNRD)”
- “Example – Lower Platte North NRD, Irrigation Ranking Criteria for Hydrologically Connected Area”
- Lower Platte North NRD map showing Restricted Development Areas, Limited Development Areas, and Normal Development Areas



VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: May 2008

NRD USE ONLY

Date Received _____ Paid: Cash or Check _____

Initial Review by NRD Representative _____

Certified Acres _____ by NRD Representative _____

Date of Water Committee Recommendation to the NRD Board _____

Date NRD Board issues Conditional Approval or Denial of Variance Request _____

Date of Approved Variance _____ by NRD Representative _____

ALL APPLICANTS SEEKING A WATER WELL VARIANCE MUST COMPLETE PAGES 1 AND 2, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 1-4 VARIANCE)

VARIANCE REQUESTS FOR IRRIGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR MUST COMPLETE PAGES 1, 2, AND 3, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 3 VARIANCE)

VARIANCE REQUESTS FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATION ACRES, MUST COMPLETE PAGES 1, 2, AND 4, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 4 VARIANCE)

1. NAME AND ADDRESS OF APPLICANT:

Home Phone: () - _____ - _____
 Cell Phone: () - _____ - _____
 Landowner Name: _____
(if other than applicant)

2. PURPOSE OF NEW WATER WELL (indicate one or more):

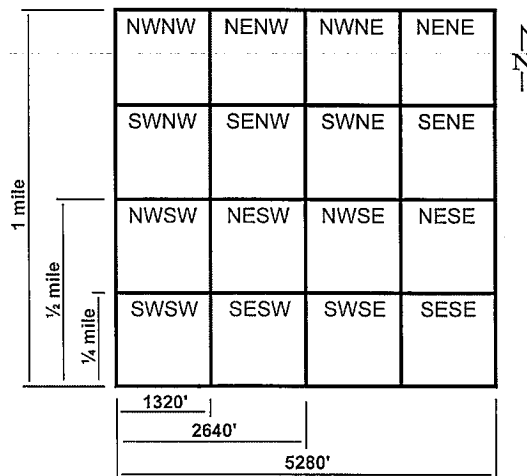
- Irrigation (Complete section A)
- Livestock (Complete section C)
- Industrial (Complete section E)
- Recovery or Remediation (Complete section G)
- Other (specify) _____ (Complete section H)
- Dewatering (Over 30 days, Complete section B)
- Domestic (Irr. on one acre or larger, Complete section D)
- Public Water Supply (Complete section F)

3. LOCATION OF PROPOSED NEW WATER WELL:

A. _____ County, _____ ¼ of the _____ ¼ of _____
 Section _____, Township _____ North, Range _____
 East/West. (circle one)

B. The box at the right represents one square mile, (section).
 Indicate with an "X", the proposed location of the well.
 Outline the proposed water use area. If the water is to be used outside the above written legal description, give legal description of water use area,
 _____ ¼ of the _____ ¼ of Section _____,
 Township _____ North, Range _____ East/West.

C. The well will be located _____ feet from the North/South section line, and will be _____ feet from the East/West section line. Or enter Lat. / Long.
 Latitude Degree _____ Minute _____ Second _____
 Longitude Degree _____ Minute _____ Second _____



4. GROUND WATER SOURCE:

- A. Expected total well depth: _____ feet.
B. Estimated pumping capacity: _____ GPM.
C. Expected total annual water use in Acre Inches / Year _____ or Total Gallons / Year _____
D. Will the well be used in a system with other wells? Yes, No. If Yes, How many _____
Attach list of well registration number and legal description for each well.
-

5. REUSE WATER (If any reuse water will be used, fill out this section):

- A. Legal Description of water source: _____ County, _____ ¼ of the _____ ¼ of Section _____, Township _____ North, Range _____ East/West. (circle one)
B. Landowner and Address of person(s) providing reuse water _____
C. Original water source of this reuse water: Ground Water, Surface Water, mark all that apply
D. Total annual amount of consumptive water use to be delivered to proposed location in Acre Inches / Year _____ or Total Gallons / Year _____
• Attach information from the operation you will be using as a source of reuse water. List amount of intake water used by this operation, description of water use within the operation, and the amount discharged.
• Irrigation water by itself can not be credited as reuse water for another user.
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6. OFFSET WATER USE:

- A. Will proposed new water well be offset by retiring water use in this same aquifer system? Yes, No
B. If Yes, give legal description of that offsetting water use: _____ County, _____ ¼ of the _____ ¼ of Section _____, Township _____ North, Range _____ East/West. (circle one)
C. Landowner and Address of person(s) providing offset _____
D. If using offset from irrigation, list number of acres at this 'offset' location _____
E. Original water source of this offset water: Ground Water, Surface Water, Reuse Water, mark all that apply.
F. Total annual amount of consumptive water use to be retired at this 'offset' location in Acre Inches / Year _____ or Total Gallons / Year _____
• Please provide flow records for the last five years from this 'offset' location.
-

7. Addition information and requirements for Lower Platte North NRD review.

- Attach current tax assessor records including map, parcel number, and current land use such as irrigated acres.
 - Attach aerial photo showing location of water source(s) and area water or reuse water is to be used.
 - All new and replacement water wells must install a District approved flow meter and report water pumped annually to the LPNNRD by January 31st of the following year.
 - Additional variance conditions maybe required for approval by the Lower Platte North NRD.
 - Variances will be reviewed annually.
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8. I certify that I am familiar with the information contained in this application, and it's restrictions, rules and regulations and that to the best of my knowledge and belief such information is true, complete and accurate.

Date _____ Signature of Applicant _____
Signature of Well System Operator, if different than Applicant _____
NRD Certification Number of Landowner or Operator _____ (Required for irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells.)

9.

If needed, Signature of Landowner supplying Reuse Water _____
Date _____
(On the District's Expanded Water Use Variance Form, fill out section 4 (Water Source) – C (Reuse Water) and submit the information with this variance form.)

If needed, Signature of Landowner providing Offset Water _____
Date _____



VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: May 2008

VARIANCE REQUEST FOR IRRGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 3. (CLASS 3 VARIANCE)

10. WATER SOURCE INFORMATION:

In a TWO-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, latitude / longitude or UTM coordinates in NAD 83, elevation in feet above mean sea level, and well log for each well.
 - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
 - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
-

11. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
 - B. Amount of water that can be reused or recycled at this new location.
 - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
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VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: May 2008

VARIANCE REQUEST FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATED ACRES, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 4. (CLASS 4 VARIANCE)

12. WATER SOURCE INFORMATION:

In a FIVE-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, elevation in feet above mean sea level, latitude / longitude or UTM coordinates in NAD 83, and well log for each well.
 - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
 - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
-

13. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
 - B. Amount of water that can be reused or recycled at this new location.
 - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
-

14. AQUIFER PUMP TEST:

In the location of the proposed water source an aquifer pump test is to be performed to obtain geologic data that will be used in the ensuing ground water modeling effort. Data from the pump test is to be reported to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. Description of pumping well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, elevation of well in feet above mean sea level, total amount of water pumped, gallons per minute during pump test, duration of pump test, well construction, well log, water discharge location and method.
 - B. Description of each monitoring well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, spacing in feet and direction from pumping well, elevation of well in feet above mean sea level, well log, and well construction.
 - C. Depth to bedrock, bedrock material, and name of geologic formation.
-

15. GROUNDWATER MODEL:

In a FIVE-mile radius of the location of the proposed water source a ground water model using MODFLOW software, or similar software approved by LPNNRD, is to be done. Data from the ground water model is to be reported to the LPNNRD in both paper copy and electronically using the appropriate software.

- A. Model should list boundary conditions used, grid size, include all high capacity wells in modeled area, streams and rivers in the modeled area, expected recharge rates, location and flow amounts, hydrologic conductivity and transmissivity values used.
 - B. At least one iteration, reviewed and approved by LPNNRD, should model steady state conditions over a five-year period with a no flow boundary, and little or no recharge to simulate drought conditions.
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VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

(Updated Form: May 2008)

PURPOSE OF WELL

IRRIGATION WELLS (SECTION A)

- A. How many acres will be irrigated? _____ acres
- B. Crops to be planted: _____ Crop rotation schedule _____
- C. Type of irrigation system. Center Pivot, Gravity, Other (specify) _____
- D. The irrigation system is to be powered by Electric Fuel
- E. Expected total annual consumptive water use in Acre Inches / Year _____ or
Total Gallons / Year _____
- F. Will Fertilizer, Chemicals or Animal waste be applied through the system? Yes, No

DEWATERING WELLS OVER 30 DAYS (SECTION B)

- A. Purpose of dewatering well, such as installation of building foundation, etc. _____
- B. Expected total number of days the dewatering well will be in use _____
- C. Approximate dates (month/day/year) in operation: Start _____ End _____
- D. Legal description of water discharge location: _____ 1/4 of the _____ 1/4 of Section _____, Township _____ North, Range _____ East/West and name of river, stream or water body _____
- E. Will discharge water be used for another purpose, such as livestock, irrigation, etc.? Yes, No
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.

LIVESTOCK WELLS (SECTION C)

- A. Name of facility _____
- B. Type of Livestock: Feeder Cattle, Dairy Cattle, Swine over 55 lbs., Swine under 55 lbs.,
 Sheep, Poultry, Horses
- C. Average number of livestock per year _____ and average weight per animal _____ lbs.
- D. Peak number of livestock _____ and time of year _____
- E. Is facility approved by Nebraska Department of Environmental Quality? Yes, No. If Yes, list NDEQ certification IIS number _____ If No, complete the rest of this section.
- F. Type of facility: Open lot, Covered Building
- G. If facility is Open lot, list soil type _____
- H. Estimated depth to ground water under feedlot _____ ft.
- I. Describe manure collection system of feedlot _____
- J. Name and distance of nearest surface watercourse from feedlot _____
- K. For each manure land application site, list legal description and size in acres, method of application, and distance from feedlot operation. _____

DOMESTIC WELLS WITH IRRIGATION ON ONE ACRE OR MORE (SECTION D)

- A. Check all that apply:
 - a. Water use: Lawn and number of acres to be irrigated _____ acres.
 - b. Water use: Commercial garden and number of acres to be irrigated _____ acres.
 - c. Water use: Tree Farm and number of acres to be irrigated _____ acres.
 - d. Water use: Type of livestock _____ and number _____
- B. Type of irrigation system. Sprinkler, Drip Tape, Other (specify) _____
- C. If applicable, give Street address and town _____

* One acre equals 43,560 square feet.

INDUSTRIAL AND COMMERCIAL WELLS**(SECTION E)**

- A. Name of facility _____
- B. Products produced by facility _____
- C. In Section 6 or on a separate sheet of paper, list well registration number and legal description of current wells supplying water to this facility.
- D. In Section 6 or on a separate sheet of paper, provide a short description how water is used within the facility and the expected annual amount of water for each use. For example: "The manufacturing plant will use 45% of total annual water use, or 1.45 million gallons per year, for electroplating of galvanized pipe and the remaining 55% of total annual water use, or 1.77 million gallons per year, will be used for non-contact cooling water throughout the plant".
- E. Will any of the used water or waste water from this facility be re-used for another purpose? Yes, No.
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
- _____
- _____
-

PUBLIC WATER SUPPLY WELLS**(SECTION F)**

- A. On a separate sheet of paper, list the well registration numbers and legal description of current wells supplying water to this community.
- B. Attach a list of the five largest industrial water users that your community supplies water to, and the total annual amount of water supplied to each of these industries for the last five years.
- C. For these same industries list the total annual amount of water returned to the community as waste water for each of the last five years.
- D. Will waste water be used for another purpose, such as livestock, irrigation, etc.? Yes, No
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
- _____
- _____
- E. Attach a list of the golf courses that the community supplies water to and list the location and number of acres for each one.
-

RECOVERY OR REMEDIATION WELLS**(SECTION G)**

- A. Reason for recovery or remediation well, i.e. leaking underground storage tank. _____
- B. Contaminates of concern _____
- C. Treatment method of contaminants _____
- D. Approximate dates (month/day/year) in operation: Start _____ End _____
- E. Legal description of water discharge location: $\frac{1}{4}$ of the $\frac{1}{4}$ of Section ____, Township ____ North, Range ____ East/West and name of river, stream or water body _____
- F. Will cleanup water be used for another purpose, such as livestock, irrigation, etc.? Yes, No
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
- _____
- _____
-

OTHER WELLS**(SECTION H)**

- A. Purpose of water use _____
- B. Will the well be used for one calendar year or less? Yes, No
- a. If Yes, list approximate dates (month/day/year) the well will be in operation: Start _____
End _____
- b. If No, list the approximate dates (months) or seasons of the calendar year that well is expected to be in peak or highest use. _____
- C. Legal description of water discharge location: $\frac{1}{4}$ of the $\frac{1}{4}$ of Section ____, Township ____ North, Range ____ East/West and name of river, stream or water body _____
-

All applicants must complete pages 1 and 2 in full. Depending upon size of irrigated field or total annual water use, information listed on pages 3 or 4 may also be required. A \$75.00 filing fee is required for each application for a Variance (payable to the Lower Platte North Natural Resources District). In addition, for Class 3 variances an added fee of \$250.00 is required for District review. For Class 4 variances an added fee of \$500.00 is required for District review. Forward this application and filing fee to:

**Lower Platte North Natural Resources District
P.O. Box 126
Wahoo, NE 68066
Phone: (402) 443-4675**

Filing fee may be refunded if all water sources (including cones of depression if the water source is from ground water) and all areas of expanded water use are beyond the District's official boundary defined as Stay Management areas.

Please take the time to fill out the information correctly. The District will return an incomplete or defective application, with 60 days being allowed for resubmission. The District shall grant or deny all variances, or report that a variance is not needed, no later than 60 days following recommendation from the LPNNRD Water Committee to the Board.

VARIANCE RESTRICTIONS

1. Variances are required, on or after May 14, 2007, in the Stay management areas of the Lower Platte North NRD prior to any expansion in water use or to the application for a new water well permit.
2. An Expanded Water Use Variance or New Water Well Variance is not required for test holes, temporary dewatering wells (30 days or less), or water wells designed to pump 50 gallons per minute or less, unless water is commingled, combined, clustered or joined with any other water well or wells, which would result in total water capacity to be over 50 gallons per minute. New low capacity wells designed to pump 50 gallons per minute or less will also require a variance request in Stay Management areas, but not in the Hydrologically Connected Stay Management area. This requirement on low capacity wells does not apply to domestic wells irrigating less than one acre of land or wells for range livestock. If you have questions, please call the LPNNRD at 402-443-4675.
3. A New Water Well Variance approved by the District only applies to the locations specified and/or the volume of water used, as listed in this application. Any proposed additional water wells for expansion of water use in size of area or in volume of water applied will require application for another New Water Well Variance.
4. If expansion of water use could result in existing wells to enlarge their cones of influence (cones of depression) to now overlap into the District's defined Stay management areas, an Expanded Water Use Variance will now be required.
5. Consumptive water use in acre-inches is determined from the Department of Natural Resources (DNR) Net Corn Crop Irrigation Requirement map or a similar map produced by the University of Nebraska.
6. If a new water well is the only water source for any expanded water use, then use this form instead of the District's 'Expanded Water Use Variance' form.
7. If a new water well and another water source, such as surface water or reuse water, will be used then the applicant will need to fill out both a variance request for a new water well and expanded water use, but the fee shall remain at \$75.00.
8. Variance requests from a single landowner, landowners or entities that seek to supply water to a single facility or operation will be required to fill out that portion of the variance form that considers the collective total annual amount of water use, both existing and proposed, that will be used by that facility or operation.
9. Tax assessor records submitted with the variance request must include map, parcel number and an accurate account of current land use, such as irrigated acres.
10. Aerial photograph with markings to show the location of the water source(s) and the location of where the water is to be used, shall be submitted with the variance request form.
11. If reuse water is one of the water sources, the applicant must fill out section 4 (Water Sources) – C (Reuse Water) of the District's Expanded Water Use Variance form and supply information listing the annual amount of intake water, description of water use within the operation and the annual amount of water discharged from this operation and submit this information with this variance request.
12. Reuse water from the same aquifer sub-area can be used as a credit, such as a municipality or industry, but only if that source does not increase it's own water withdrawal to compensate for this reuse. Irrigation water by itself can not be credited as reuse water for another user.
13. Any person, who knowingly furnishes false information regarding a New Water Well Variance, shall be subject to the imposition of penalties imposed through the controls adopted by the District pursuant to §46-746.

14. A Variance request will require that the applicant or operator of irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells by NRD certified.
15. LPNNRD review of any variance request will be based, in part, on a point system evaluation. See "Instructions to Fill Out Variance Request Form --" for details.
16. Review of the variance request by the District will also be based on discretionary factors, including but not limited to, whether the variance request would promote the health and welfare of the District by contributing to the conservation, protection, development, and sound management of natural resources in the District.
17. Landowner has 90 days following 'conditional approval' to apply to the NRD for a water well permit, and comply with any additional conditions required by the NRD. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board.
18. When the conditions of the variance have been satisfied and approved by the NRD within 90 days of issuance, then the 'conditionally approved variance' shall become an 'approved variance'. If these conditions have not been met, the landowner will need to submit a new variance request.
19. Construction of a new water well without an 'approved variance' and an approved NRD Water Well Permit, shall result in the District issuing a 'cease and desist order' against further construction and use of that water well.
20. Landowner has 90 days after completion of the well to update County Assessor records, submit well registration to DNR and comply with any additional conditions required by the District.
21. If ground water is not initially put to use within a one-year period following construction and completion of the water well as approved by LPNNRD and DNR, then a New Water Well Variance is needed. The LPNNRD may grant an exception for good cause shown, such as abundant rainfall received on new or expanded irrigated acres when actual irrigation would not be necessary. Please contact the LPNNRD if you think an exception may apply.
22. If a New Water Well Variance and NRD Water Well Permit are granted, then water users must report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31st of each following year.
23. If multiple water sources are used, landowner must supply flow records from each water source in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31st of each following year.
24. After construction of the water well is complete, the well driller is required to register the well with the Department of Natural Resources.
25. The District may void an approved variance at any time if the Board finds good cause to do so.
26. The approved variance will also be subject to annual renewal by the District. If the District believes the variance should not be renewed, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.

**** Landowners must apply for a water well permit to LPNNRD, and comply with any additional conditions within 90 days of LPNNRD conditional approval of this Variance. Landowner will need NRD approval for a new Water Well Variance AND Water Well Permit, before the well can be constructed. Following completion of the well, landowners have 90 days to list new irrigated acres with the County Assessor, submit well registration information to the Department of Natural Resources and comply with any additional conditions required by the LPNNRD. LPNNRD staff may perform a site visit to verify information provided in the variance request. ****

COMMENTS/RESTRICTIONS: Variance conditions required for approval by LPNNRD.



**SUPPLEMENT TO VARIANCE REQUEST FOR
EXPANSION OF IRRIGATED ACRES FROM AN
EXISTING WELL OR FROM A NEW WATER WELL
LOCATED IN THE HYDROLOGICALLY CONNECTED
STAY MANAGEMENT AREA
OF THE LOWER PLATTE NORTH NRD (LPNNRD)**

Updated Form: July 13, 2009

FOR EACH FIELD, ALL APPLICANTS SEEKING A VARIANCE FOR EXPANSION OF IRRIGATED ACRES FROM AN EXISTING WELL OR FROM A NEW WELL IN THE HYDROLOGICALLY CONNECTED AREA OF THE DISTRICT, MUST SUBMIT THE APPROPRIATE VARIANCE REQUEST FORM ALONG WITH THIS SUPPLEMENTAL FORM AND (IF NEEDED) THE REQUESTED SUPPORTING FINANCIAL INFORMATION TO DOCUMENT YOUR PREVIOUS INVESTMENT BEFORE DECEMBER 16, 2008. THIS FORM WILL BE USED TO AWARD POINTS IN DETERMINING THE IRRIGATION RANKING CRITERIA.

20. WATER SOURCE:

Will this be an expansion of irrigated acres from an existing well? Yes No

Will this be an expansion of irrigated acres from a new well? Yes No

21. NUMBER OF ACRES:

Total number of acres in entire field, including non-irrigated acres: _____ acres.

Total number of acres in the field that actually will be irrigated: _____ acres.

- Please provide aerial photo with clearly marked field boundaries and actual wetted area of the irrigated portion of the field, also clearly marked. In addition, mark on the photo where the irrigation system will be located such as pivot point, whether corner units will be used and water source such as existing well, proposed new well, or if surface water is used, the stream, river, or canal and the exact diversion point.

22. TYPE OF IRRIGATION SYSTEM THAT WILL BE USED:

Type of irrigation system that will be used	Check box on all that apply	Number of Acres
Conversion of surface water source to ground water well		
Subsurface drip irrigation		
Surface drip or LEPA system on pivot		
High pressure or sprinkler head pivot		
Gravity, Gun, Other		

- If part of the irrigated portion of the field is irrigated by different equipment, please place the number of acres in the appropriate box. For example, if a 160 acre field is to be irrigated with a LEPA equipped center pivot on 135 acres and only two of the four corners will be irrigated, but by a gravity system, then 135 would be placed in the 'Surface drip or LEPA system on pivot – Number of Acres' box and 12.5 acres would be placed in the 'Gravity, Gun, Other – Number of Acres' box.
- To get credit for conversion of surface water use to ground water use, the landowner will need to retire the surface water right with the Nebraska Department of Natural Resources.

23. IF APPLICABLE, PREVIOUS INVESTMENT WITHIN TIME FRAME LISTED IN TABLE:

Date Purchased	Work done or equipment purchased	Check box on all that apply
Fall 2007 to Dec. 16, 2008	Irrigation System (gated pipe, pivot, etc.)	
2004 to Dec. 16, 2008	Well drilled	
1999 to 2003	Well drilled	
Fall 2007 to Dec. 16, 2008	Test hole	
Fall 2007 to Dec. 16, 2008	Modify land for irrigation	
Fall 2007 to Dec. 16, 2008	Land purchase for irrigation	

- In order to receive points within the ranking system, the applicant must provide documentation such as receipts, invoices, aerial photographs, etc. to prove that work has been completed and/or equipment purchased within the time period listed in the table above.

24. CANCELLATION OF APPROVED VARIANCE:

- The District may cancel or void an approved variance at any time if the Board finds falsification of financial or other documentation submitted as part of the variance request; failure of the landowner and/or operator to follow the irrigation ranking criteria as submitted on the District's variance form, and/or well permit; violation of the District's rules and regulations, including the failure to submit annual reporting information required on the variance form and by Section L, Rule 9(4) or Rule 10(3) and Section M, Rule 6(4) of the District's Ground Water Management Rules and Regulations.
- If the variance is cancelled the landowner/operator will no longer be allowed to irrigate that specific field listed in the original variance request.

25. I certify that I am familiar with the information contained in this application, and it's restrictions, rules and regulations and that to the best of my knowledge and belief such information is true, complete and accurate.

Date _____ Signature of Applicant _____
 Signature of Well System Operator, if different than Applicant _____
 NRD Certification Number of Landowner or Operator _____ (Required for irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells.)

PROCEDURES FOR AWARDING POINTS FOR THE IRRIGATION RANKING CRITERIA

Limited Expansion of Irrigated Acres in the Hydrologically Connected Area

With the passage of LB483, the goal of the District is to limit irrigation expansion to 2,500 acres per year for the years 2009 through 2012 for land located in the hydrologically connected areas of the District. The District issued an Order at the July 13, 2009 Board meeting declaring the hydrologically connected area as a Stay Management Area with Limited Development. The Order will become effective on August 6, 2009.

Application Process for Limited Expansion

Landowners and/or operators wishing to expand the number of irrigated acres in the hydrologically connected area need to first submit to the District a LPNNRD variance request form for a new water well and/or a LPNNRD variance request form for the expansion of irrigated acres from an existing water source, this supplemental form, along with any financial documentation (if needed) by September 15, 2009 for calendar year 2009; also by September 15, 2009 for calendar year 2010; by September 15, 2010 for calendar year 2011; and by September 15, 2011 for calendar year 2012. Financial documentation will be needed for those landowners who made a significant expense just before the State declared the Lower Platte Basin as 'Fully Appropriated' on December 16, 2008, but who had not yet applied to the LPNNRD for a new well permit. Landowners in this situation will be placed in Group Two, which is described below.

Selection Process for Limited Expansion

At the Water Committee meeting nearest in date following the September 15th deadline for submission of variance request forms and supporting documentation, the Water Committee members shall prioritize and make recommendations as to which land shall be allowed to expand irrigated acres for the October Board meeting. Landowners will be informed of that decision following the Water Committee and may ask for a reevaluation of their ranking status, but must supply this new information by the close of office hours on the Friday before the October Board meeting.

At the October LPNNRD Board meeting for 2009, 2010, and 2011, the Board shall review and assign variance requests for a limited number of new irrigated acres for the hydrologically connected area. For the October 2009 Board meeting, approximately 2,500 acres of irrigation development shall be assigned 'conditionally approved' to take effect on October 15, 2009 with an additional 2,500 acres to be assigned to take effect on January 1, 2010. For October Board meetings in 2010, and 2011, approximately 2,500 acres of irrigation development shall be 'conditionally approved' to take effect on January 1st for each of the respective following years. A 'conditionally approved variance' will last for 90 days, during which time the landowner and/or operator will need to meet each condition listed on the variance. Once those conditions have been met the 'conditionally approved variance' will become an 'approved variance'. For details see Section M of the LPNNRD ground water management rules and regulations. An approved variance will be subject to annual review by the District.

Three Hydrogeologic Regions

The District has been sub-divided into three similar hydrogeologic regions in order to allow for more accurate comparisons between competing variance requests (see attached map).

Variance Requests Divided Into Three Groups Within Each Region

The District will assign each variance request into one of three groups within each region. The first group (priority one) will be for those landowners who were already issued an NRD well permit, but for some reason did not develop all the acres as listed on their original well permit. The second group (priority two) will be for landowners and/or operators that had work done and/or equipment purchased to install an irrigation system, well, land modification, etc. within the time frame listed in Section 23 of this form, but had not yet applied to the NRD for a well permit. The third group (priority 3) will be for those landowners and/or operators that don't fall within the other two groups.

Landowner's Portion for Awarding Points

Information provided by the landowner and/or operator will determine which group each individual variance request will be assigned to by the District, so supporting documentation will be important. This is especially true if the landowner had a previous investment, but was not allowed to develop their property after the State declared the hydrologically connected portions of the LPNNRD as 'Fully Appropriated' on December 16, 2008, see Section 23 of this form. Points awarded will depend on existing LPNNRD well permit, previous investment, number of proposed irrigated acres, expansion of irrigated acres on new or existing well, conversion of surface water irrigation to ground water irrigation, and type of irrigation system.

District's Portion for Awarding Points

The District's portion of the irrigation ranking criteria will look at land class, stream depletion factor (which is the effect of ground water pumping on a nearby stream, river, or other surface water body), plus saturated thickness, specific yield, and transmissivity of the aquifer. Stream depletion factor has been determined by the Nebraska Department of Natural Resources for each individual section. Points awarded for land class will be prorated or adjusted to each land class in the proposed newly irrigated field. If the variance request is for a new well then the points awarded for saturated thickness, specific yield, and transmissivity of the aquifer will be prorated to the entire field, both irrigated and non-irrigated portions. If the variance request is for an existing well then the points awarded for saturated thickness, specific yield, and transmissivity of the aquifer will be determined at the existing wellhead.

Combined Portions to Determine Final Ranking

Within each group for each region, the Landowner's and District's point totals for each parcel of land will be combined to reach the final total. Acres will be assigned first to Group One, then to Group Two, and finally Group Three within each region. The District expects only a few variance requests within Group One and Two and that Group Three will be the most competitive for the limited number of irrigated acres that will be available. Within each Group the variance requests will be ranked from highest to lowest in score with acres being assigned to each variance request in turn (highest to lowest) until the number of acres within that group have been assigned before moving on to the next group. This will continue with each group in turn until all the acres that can be assigned following this ranking criteria, have been assigned for that region.

For example, the Shell Creek region has a total of 687 acres per year, and the District receives requests for 120 acres in Group One, 235 acres in Group Two, and 825 acres for Group Three. All variance requests in Group One and Group Two would be 'conditionally approved', which would leave 332 acres for Group Three. The ranking criteria would be applied to all variance requests in Group Three to see who would have the most points or highest ranking and those 332 acres would be assigned to those fields and landowners until all the 332 acres (or the lowest possible number of acres) has been assigned. Unassigned acres could be carried over to the next year for the same region or transferred to another region.

**Lower Platte North NRD
Irrigation Ranking Criteria for Hydrologically Connected Area**



Example

Variance requests divided into three regions: Shell Creek, Platte Valley and Todd Valley
Within each region the variance requests will be divided into three groups:

- 1) expansion on existing permits with previous investments calculated in
- 2) previous investments prior to December 16, 2008
- 3) all other variance requests

Landowner Information Will Be Used By NRD To Fill Out One of These Three Groups

GROUP ONE: Expansion of Irrigated Acres up to Amount on Existing Well Permit

		Points	Weight Factor	Total Points	
Expansion of acres up to amount on existing permit must have previously approved NRD water well permit	WF = 1.0				
	Expand 1 to 20 acres	100	1	100	
	Expand 21 to 40 acres	75	1	75	
	Expand 41 to 80 acres	50	1	50	
	Expand 81 to 160 acres	25	1	25	
	Expand > 160 acres	0	1	0	
Previous investment prior to Dec. 16, 2008 can be more than one	WF = 1.0				
	Fall 2007 to Dec.16, 2008	Irrigation System	100	1	100
	2004 to Dec. 16, 2008	Well drilled	75	1	75
	1999 to 2003	Well drilled	35	1	35
	Fall 2007 to Dec.16, 2008	Test hole	35	1	35
	Fall 2007 to Dec.16, 2008	Modify land for irrigation	20	1	20
Fall 2007 to Dec.16, 2008	Land purchase for irrigation	20	1	20	
Irrigation system:	WF = 1.0				
	Surface water to ground water conversion	100	1	100	
	Drip, subsurface	80	1	80	
	Drip, surface, LEPA pivot	60	1	60	
	Pivot, standard pressure, sprinkler head	40	1	40	
	Gravity, Gun, Other	10	1	10	
Landowner Total for this Group				###	

GROUP TWO: Previous Investment before December 16, 2008

		Points	Weight Factor	Total Points	
Previous investment prior to Dec. 16, 2008 can be more than one	WF = 1.0				
	Fall 2007 to Dec.16, 2008	Irrigation System	100	1	100
	Fall 2007 to Dec.16, 2008	Test hole	35	1	35
	Fall 2007 to Dec.16, 2008	Modify land for irrigation	20	1	20
Fall 2007 to Dec.16, 2008	Land purchase for irrigation	20	1	20	
Expanded acres, new or existing well	WF = 1.0				
	existing well	Expand 1 to 20 acres	100	1	100
	existing well	Expand 21 to 40 acres	80	1	80
	existing well	Expand 41 to 80 acres	60	1	60
	existing well	Expand 81 to 160 acres	40	1	40
	existing well	Expand > 160 acres	20	1	20
	WF = 0.75				
	new well	Expand 1 to 34 acres	20	0.75	15
	new well	Expand 35 to 110 acres	60	0.75	45
	new well	Expand 111 to 160 acres	100	0.75	75
new well	Expand > 160 acres	20	0.75	15	
Irrigation system:	WF = 1.0				
	Surface water to ground water conversion	100	1	100	
	Drip, subsurface	80	1	80	
	Drip, surface, LEPA pivot	60	1	60	
	Pivot, standard pressure, sprinkler head	40	1	40	
	Gravity, Gun, Other	10	1	10	
Landowner Total for this Group				###	

GROUP THREE: All Other Variance Requests

		Points	Weight Factor	Total Points
Expanded acres, new or existing well	WF = 1.0			
	existing well	Expand 1 to 20 acres	100	1

	existing well	Expand 21 to 40 acres	80	1	80
	existing well	Expand 41 to 80 acres	60	1	60
	existing well	Expand 81 to 160 acres	40	1	40
	existing well	Expand > 160 acres	20	1	20
		WF = 0.75			
	new well	Expand 1 to 34 acres	20	0.75	15
	new well	Expand 35 to 110 acres	60	0.75	45
	new well	Expand 111 to 160 acres	100	0.75	75
	new well	Expand > 160 acres	20	0.75	15
Irrigation system:		WF = 1.0			
		Surface water to ground water conversion	100	1	100
		Drip, subsurface	80	1	80
		Drip, surface, LEPA pivot	60	1	60
		Pivot, standard pressure, sprinkler head	40	1	40
		Gravity, Gun, Other	10	1	10
Landowner Total for this Group					###

Lower Platte North NRD
Irrigation Ranking Criteria for Hydrologically Connected Area



NRD Information Will Be Used To Fill Out This Portion

GROUPS ONE, TWO, AND THREE

		Points	Weight Factor	Total Points
Land class of field	WF = 1.0			
	Class 1	100	1	100
	Class 2	80	1	80
	Class 3	60	1	60
	Class 4	40	1	40
	Class 5	10	1	10
	Class 6, 7, 8 / not more than 20%	not allowed		
Stream Depletion Factor from DNR	WF = 1.25			
	10 to 20%	100	1.25	125
	21 to 30%	90	1.25	112.5
	31 to 40%	80	1.25	100
	41 to 50%	70	1.25	87.5
	51 to 60%	60	1.25	75
	61 to 70%	50	1.25	62.5
	71 to 80%	40	1.25	50
	81 to 90%	20	1.25	25
> 90%	10	1.25	12.5	
Saturated thickness	WF = 1.0			
	211 to 240 ft.	100	1	100
	181 to 210 ft.	90	1	90
	151 to 180 ft.	80	1	80
	121 to 150 ft.	70	1	70
	91 to 120 ft.	40	1	40
	61 to 90 ft.	20	1	20
	31 to 60 ft.	10	1	10
0 to 30 ft.	0	1	0	
Specific yield	WF = 1.0			
	18.1 to 22%	100	1	100
	14.1 to 18%	60	1	60
	10.1 to 14%	30	1	30
	6.1 to 10%	10	1	10
2 to 6%	0	1	0	
Transmissivity	WF = 1.0			
	226 to 250	100	1	100
	201 to 225	90	1	90
	176 to 200	80	1	80
	151 to 175	70	1	70
	126 to 150	60	1	60
	101 to 125	50	1	50
	76 to 100	40	1	40
	51 to 75	30	1	30
	26 to 50	20	1	20
6 to 25	10	1	10	
NRD Total				###

Example

GRAND TOTAL: LANDOWNER AND NRD TOTAL

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