

Section O Special Management Area

Rule 1 The District may designate a Special Management Area for the protection of ground water quantity in a portion or portions of the District where additional controls are necessary for the protection of ground water quantity in that area. Such additional controls are in the public interest and for the promotion of the health and welfare of the District because they will minimize pumping conflicts and protect ground water supplies for all beneficial uses.

Rule 2 Dwight-Valparaiso-Brainard (DVB) Special Management Area.
The District hereby designates an area, which includes the Dwight-Valparaiso Ground Water Reservoir and portions of the Remaining Area, as a Special Management Area for additional ground water quantity controls to address short term problems, in response to the situation where the existing ground water quantity Phase Triggers for this Ground Water Reservoir are not responsive. This area includes the following land, to wit:

Butler County, Nebraska
Township 14 North, Range 4 East
Sections: 1-5, 8-18, 20-29 and 32-36.

Township 13 North, Range 4 East
Sections: 1-5, 8-18, 20-30, and 32-36.

Saunders County, Nebraska
Township 14 North, Range 5 East
Sections: 4-9, 16-21, and 28-33.

Township 13 North, Range 5 East
Sections: 1-36.

Township 13 North, Range 6 East
Sections: 3-11, 14-23, and 26-35.

Seward County, Nebraska
Township 12 North, Range 4 East
Sections: 1-3.

Lancaster County, Nebraska
Township 12 North, Range 5 East
Sections: 1-6, and 10-12.

(1) No New Irrigated Acres.

- a. There shall be no new ground water irrigated acres from any water well located in the Special Management Area beyond those acres certified by the District on March 1, 2014 as irrigated acres by ground water.

(2) Allocation.

- a. The use of ground water for agricultural purposes from any water well for irrigation of certified acres in the Special Management Area shall be subject to an allocation. The District hereby establishes the initial 3-year allocation of twenty-one (21.0) acre-inches per irrigated acre not to exceed a nine (9.0) acre-inch annual maximum for sprinkler irrigation and thirty (30.0) acre-inches per irrigated acre not to exceed a twelve (12.0) acre-inch annual maximum for gravity irrigation beginning in calendar year 2014. The District shall annually by February 1, beginning in 2015, review the data collected by the District regarding the previous year's allocation. The Board shall establish a local advisory committee no later than December 2014.
- b. If a ground water user has exceeded the annual maximum allocation during year one or two of the three (3) year allocation period, any remaining allocation for such period shall be reduced by an amount equal to two (2) times the amount in excess of such annual maximum allocation.
- c. If at the end of such three (3) year allocation period, any ground water user has used more than the total allocation for such three (3) year allocation period, or more than the maximum annual allocation in the third year, the excess amount shall be multiplied by two (2) and carried over as a reduction and subtracted from any subsequent allocation period.

(3) Required Certification Programs.

- a. The District shall require educational certification in irrigation management for those persons making the management decisions for using a well to irrigate agricultural land. The irrigation management certification may be obtained by attending class, as a take home test, or on-line. The initial certification deadline is June 1, 2015. After June 1, 2015, the name of each person so certified must be on file with the District for each ground water well irrigating agricultural lands in the Special Management Area. Irrigation certification will be required once every four years. The District will accept certification in irrigation management from other natural resources districts upon providing proof of certification.

(4) Establishment of Cost-Share Programs.

- a. The District will establish cost-share programs to implement Best Management Practices (BMP's) on the land designated in Rule 2, which may include but is not limited to, irrigation management practices.

(5) New or Replacement Wells.

- a. All new or replacement water wells to be used for domestic or other purposes, excluding monitoring and other non-consumptive wells, shall be constructed to such a depth that they are less likely to be affected by seasonal declines caused by other water wells in the same area. Any person who installs a new or replacement water well for domestic or other purposes in the Special Management Area shall submit a certification from the water well contractor that the well was constructed in compliance with this rule. The certification shall be submitted to the District within 90 days of completing construction.
- b. Except for wells listed as exceptions to stays in Neb. Rev. Stat. §46-714(3), all applications for wells in the Special Management Area for which permits are required shall be presented to the Board of Directors for consideration. The District may request an applicant to provide a hydrologic assessment from a qualified professional geologist or engineer showing the extent of any impact from this new or replacement well on existing wells. The Board may deny an application for a permit if it finds that the operation of a new or replacement well will adversely impact an existing well or wells or if such well is not in the public interest. Public interest shall include consideration of the economic, social, and environmental impacts of the proposed new or replacement well and whether and under what conditions other sources of water are available for use proposed for the new or replacement well.