

NOTICE OF PUBLIC HEARING RELATING TO PROPOSED AMENDMENTS TO THE LOWER
ELKHORN NATURAL RESOURCES DISTRICT GROUNDWATER MANAGEMENT AREA
RULES AND REGULATIONS

The Lower Elkhorn Natural Resources District (“District”) will hold a public hearing in compliance with Section 46-743 of Nebraska Revised Statutes on June 27, 2019, beginning at 7:30 p.m. at 1508 Square Turn Boulevard in Norfolk, Nebraska. The purpose of the hearing is to receive public comment on proposed amendments to the District’s groundwater management area rules and regulations (“Rules”).

With this amendment to its Rules, the District proposes to modify portions of Rules 1, 2, 7, 13, and 15. Along with those specific changes, minor formatting changes are also being proposed throughout the document.

The proposed changes to the Rules do not include the designation of any new management areas or adjustments to existing management area boundaries.

The following list is an overview of the District’s proposed amendments to its groundwater management area Rules, which are described in more detail in the full text of the proposed Rules:

Rule 1 - General.

- Section 1.3 Additional Penalties - Adds language that informs the public of additional penalties that could be imposed by the District during enforcement of its rules and regulations.
- Section 1.4 and 1.4.1 – Adds language to outline the period of suspension for violations and to inform the public of the possible monetary impacts that could be assessed when violating a cease and desist order.

Rule 2 – Definitions.

- Adds definitions for several terms including: Acre Foot, Basin-Wide Plan, Consumptive Use, New Groundwater Depletion, Orphaned Acre, Voluntary Integrated Management Plan, Water Well Permit Condition, and Wellhead Protection Area.

Rule 7 – Violators Alternatives.

- Integrates a change to reflect recent changes to State Statute that modifies the time-frame allowed an alleged violator to request a formal hearing regarding the compliance officer’s findings.

Rule 13 – Irrigation Well and New Groundwater Depletion Limitations for the Hydrologically Connected Portion of the District.

- Adds language to integrate management components of the Lower Platte River Basin Coalition Management Plan and the joint Lower Elkhorn Natural Resource District/Nebraska Department of Natural Resources Voluntary Integrated Management Plan and also includes a provision allowing the District to establish a minimum total score and modified minimum soil score for standard variance applications to expand groundwater use for irrigation purposes.

Rule 15 – Irrigation Well and New Groundwater Depletion Limitations for the Non-Hydrologically Connected Portion of the District.

- Adds language to integrate management components of the Lower Platte River Basin Coalition Management Plan and the joint Lower Elkhorn Natural Resource District/Nebraska Department of Natural Resources Voluntary Integrated Management Plan and includes a

provision allowing the District to establish a minimum total score and modified minimum soil score for standard variance applications to expand groundwater use for irrigation purposes.

Other.

- Other less substantive changes include formatting and grammatical corrections throughout the document.
- Opportunity for the Nebraska Department of Natural Resources to conduct a comprehensive review of the Rules and Regulations, specifically Rule 18 – Transfers of Water Uses.

The full text of the proposed amended Rules is available at the District's office located at 1508 Square Turn Boulevard, Norfolk, Nebraska as well as on the District's website at www.lenrd.org

Any interested person may appear at the hearing and present written or oral testimony concerning this matter. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the District by June 26, 2019. Testimony relevant to the purposes of the hearing may also be submitted in writing (prior to the close of the hearing) to the Lower Elkhorn Natural Resource District, 1508 Square Turn Boulevard, Norfolk, Nebraska 68701.