

NOTICE OF PUBLIC HEARING  
RELATING TO THE LOWER BIG BLUE NATURAL RESOURCES DISTRICT REVISIONS  
TO ITS GROUNDWATER QUANTITY RULES AND REGULATIONS

Pursuant to *Neb. Rev. Stat.* § 46-743, the Lower Big Blue Natural Resources District (NRD) hereby provides notice that the Lower Big Blue NRD shall hold a public hearing on Wednesday November 6, 2024, at 6:00 p.m. in the 4-H Building located at the Gage County Fairgrounds, 1115 West Scott Street, Beatrice Nebraska. As required by *Neb. Rev. Stat.* § 46--743, the purpose of the hearing is to take public testimony on the proposed revisions to the Lower Big Blue NRD's Groundwater Quantity Rules and Regulations. The geographic area for the proposed revisions encompasses the entire land area within the NRD boundary. Please note that these changes to the Rules and Regulations also include the creation of new geographical Groundwater Quantity Management Sub-Areas within the NRD that will now be used for designating Phase 2 and Phase 3 Groundwater Quantity Management Areas and implementing new management controls, including but not limited to potential allocations and moratoriums, based on the annual groundwater level readings in each Sub-Area, as provided in these changes to the Rules and Regulations. For a map and description of the new Groundwater Quantity Management Sub-Areas, please see the proposed Appendix C to the Rules and Regulations. The outlined contents of the proposed revisions are: (1) added definitions to Rules and Regulations Chapter 3, Definitions That Apply to These Rules and Regulations; (2) added well permitting revisions including the option of a pumping test and updated permitting requirements for wells using more than 400 acre-feet/year to Chapter 5, Water Well Permits; (3) added modifications to variance objection procedure to Chapter 6, Request for Variance; (4) added management controls to Phase 1 Groundwater Quantity Management Areas, including the requirement for flowmeters to be installed on all high capacity wells at designated times between 2026 and 2029, establishment of situations in which allocations may be assigned based on provided annual groundwater level calculations and thresholds, and the designation of Groundwater Quantity Management Sub-Areas used to implement Phase 2 and Phase 3 Groundwater Quantity Management Area management controls, the geographical region of which are shown in the proposed Appendix C to the Rules and Regulations, and the groundwater level measurement mechanisms that will trigger Sub-Areas to enter into Phase 2 or Phase 3 levels of

control to Chapter 7, Phase 1 Groundwater Quantity Management Area Determination and Requirements; (5) established new threshold for which new geographic Groundwater Quantity Management Sub-Areas will enter into the Phase 2 Groundwater Quantity Management Area designation and added new management controls to Phase 2 Areas based on new Sub-Area designations, including establishment of situations in which allocations may be assigned based on groundwater level calculation thresholds in certain situations, moratoriums on new wells, moratoriums on expansions of Certified Groundwater Use Acres, and a mechanism for applying for Certified Expanded Acres during a moratorium to Chapter 8, Phase 2 Groundwater Quantity Management Area Determination and Requirements, (6) established new threshold for which new geographic Groundwater Quantity Management Sub-Areas will enter into the Phase 3 Groundwater Quantity Management Areas designation and added new management controls to Phase 3 Areas based on new Sub-Area designations, including continuation of the controls used in Phase 2 in addition to automatic reductions of allocation amounts as previously set in Phase 2 to Chapter 9, Phase 3 Groundwater Quantity Management Area Determination and Requirements; (7) revisions to certification of Groundwater Use Acres requirements, including addition of the requirement that all irrigated acres are to be certified as Certified Groundwater Use Acres with the NRD by December 31, 2024, which acres are allowed to be certified, and a prohibition of the pooling or transfers of Certified Groundwater Use Acres, contained in Chapter 11, Certification of Groundwater Use Acres; (8) added groundwater use reporting requirements, including annual water use reports submitted to the NRD no later than February 1<sup>st</sup> of each year, to Chapter 12 Groundwater Use Reporting; (9) modifications to flowmeter maintenance requirements, including the establishment of a flowmeter maintenance schedule, authorization of certain persons to perform flowmeter maintenance, and requirements to maintain the accuracy of all flowmeters, in Chapter 13 Flowmeter Installation, Operation, and Maintenance Requirements; (10) added mechanisms by which allocation amounts will be set for agricultural users in particular Groundwater Quantity Management Phase Areas, including providing dates through which allocations will apply, identifying specific allocation amounts over a three (3) year period of forty-eight (48) acre-inches in Phase 1 Areas and thirty-six (36) acre-inches in Phase 2 Areas, and adding the penalty of reduced allocation amounts for exceeding allotted allocation amounts to Chapter 14, Allocation to Agricultural Users; (11) added mechanisms by which allocation amounts will be set for Municipal Users in particular Groundwater Quantity Management Phase Areas, including

dates through which allocations will apply and establishment of situations in which allocations are required to Chapter 15, Allocation to Municipal Users, and (12) added mechanisms by which allocation amounts will be set for Other Users, including dates on which allocations are set, and the penalty of reduced allocation amounts for exceeding allotted allocation amounts to Chapter 16, Allocation to Other Users.

Any interested person may appear at the public hearing and present written or oral testimony concerning the proposed revisions. Written testimony may also be submitted in advance to the Lower Big Blue NRD, 805 Dorsey St, Beatrice, NE 68310, attention Nick Schroeder, or by electronic mail at [schroeder@lbbnrd.net](mailto:schroeder@lbbnrd.net). Advance written testimony must be received by 5:00 p.m., November 5, 2024, to be considered.

Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting Adam Kimmerling, Lower Big Blue NRD at (402) 228-3402 ext. 100 by 5:00 p.m. November 5, 2024.

The full text of the proposed revisions will be available to the public at the Lower Big Blue NRD office, 805 Dorsey Street, Beatrice Nebraska or via the Lower Big Blue NRD website at <https://www.lbbnrd.net> and upon request.