

Rule Amendments

August 23, 2021

FINDINGS

1. Nebraska Revised Statutes § 46-701 *et seq.*, provides the authority for the adoption and amendment of rules and regulations for the management of groundwater.
2. Notice of the August 23, 2021 Public Hearing on the proposed rule and regulation amendments was published in accordance with state law in the following newspapers in general circulation in the Upper Elkhorn NRD (“UENRD”): (a) Holt County Independent, (b) Atkinson Graphic, (c) Antelope County News, (d) Rock County Leader, and (e) Elgin Review.
3. Notice of the Public Hearing of the proposed rule and regulation amendments was posted on the UENRD website at www.uenrd.org. Copies of the proposed rules and regulation amendments were also made available from the UENRD office in O’Neill, Nebraska at the time of publication of the newspaper notices identified above.
4. The Public Hearing was held on August 23, 2021 in accordance with state law and as noticed. All persons present at the Public Hearing were afforded an opportunity to provide oral or written testimony regarding the proposed rule and regulation amendments.
5. Written testimony received at the UENRD office by 4:30p.m. on August 20, 2021 was submitted to the record of the Public Hearing. The record of the Public Hearing was held open for the receipt of written testimony until the close of the Public Hearing. Copies of all written testimony, personally provided at the Public Hearing or mailed, were made available to the UENRD Board of Directors for their consideration.
6. Testimony presented at the Public Hearing, whether written or oral, is part of the Public Hearing record on file with the UENRD office in O’Neill, Nebraska.
7. The UENRD Board of Directors considered all testimony and, in open session, at its regular Board of Directors meeting on August 23, 2021, voted to approve the proposed rule and regulation amendments.
8. The changes to the Rules & Regulations are as follows:
 - a. The proposed amendments apply to the overall Rules & Regulations.
 - b. The proposed amendments authorize a general restructuring of the number identification system of the Rules & Regulations.
 - c. Rule 2: The proposed amendments authorize updated enforcement rules and regulations to better conform to state statutes.
 - d. Rule 4.6.9 The proposed amendments require the applicant for well permits to be in compliance with Upper Elkhorn NRD Rules and Regulations before approval.
 - e. Rule 4.10 The proposed amendments require flowmeters to be installed within one year after the date of approval to complete the well.

f. Rule 10.1.3.4 The proposed amendments require flowmeters to be installed and maintained indefinitely.

g. Rule 12.1.6 The proposed amendments require a flowmeter be installed on the legal description certified irrigated acres are transferred onto by October 1st.

h. Rule 12.1.8.8 The proposed amendments require the applicant(s)/landowner(s) transferring certified irrigated acres to be in compliance with Upper Elkhorn NRD Rules and Regulations before approval.

i. Rule 12.1.14.3 & Rule 13.5.2.3 The proposed amendments authorize a flat fee for expansion and transfer applications of \$50.00 with additional fees for qualifying applications.

j. Rule 12.1.14.5 & Rule 13.5.2.5 The proposed amendments authorize in circumstances where property changes ownership expansion and transfer applications to be transferable from one landowner to another for the life of the expansion or transfer contract.

k. Rule 13.5.2.6 The proposed amendments authorize the Upper Elkhorn NRD to require the landowner to fulfill their expansion contract for a minimum of 5 years.

BY THE AUTHORITY VESTED IN THE UPPER ELKHORN NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS BY NEBRASKA LAW, IT IS HEREBY ORDERED:

1. The rule and regulation amendments adopted by the UENRD Board of Directors on August 23, 2021, attached hereto and fully incorporated herein, are adopted and shall become effective October 1, 2021.

Signed by UENRD Board Chairman Michael Moser and General Manager Dennis Schueth on August 23, 2021.