

**Public Hearing  
on the Stay on the Expansion of  
Groundwater Irrigated Acres and  
the Construction of New Irrigation Wells  
July 9, 2009  
8:00 pm**

AGENDA:

- 1) Hearing Call to Order – Chairman Thompson
- 2) Appointment of Hearing Officer – General Manager, John Winkler
- 3) Evidence of Proof of Publication of Hearing Notice
- 4) Explanation of the Purpose of the Hearing – Paul Peters
- 5) Identification of Exhibits
- 6) Explanation of the Purpose of the Stay and Variance Process – Brian L. Henkel
- 7) Testimony from The Department of Natural Resources – Jim Schneider
- 8) Receive Testimony and Statements
- 9) Reception of Exhibits
- 10) Hearing Adjournment

RESOLUTION - STAY ON  
THE EXPANSION OF GROUNDWATER IRRIGATED ACRES AND  
THE CONSTRUCTION OF NEW IRRIGATION WELLS

DEFINITIONS:

**“Historically Irrigated Acres”** shall mean acres irrigated, with groundwater, two years out of the previous ten years, unless the acres were a part of a federal set aside program. Acres that were a part of a federal set aside program that were irrigated using groundwater prior to entering into the federal set aside program shall be considered Historically Irrigated Acres.

**“Annual Evaluation”** shall mean the “2009 Annual Evaluation of Availability of Hydrologically Connected Water Supplies”, published April 8, 2009 by the Nebraska Department of Natural Resources.

**“Irrigation Well”** shall mean any well constructed for the purpose of irrigating cropland.

**“Hydrologically Connected Area”** shall mean the area within the Papio-Missouri Natural Resource District determined to be hydrologically connected to surface water as listed in the Annual Evaluation. A listing of the sections considered to be hydrologically connected is included in Attachment 1.

**“Replacement Well”** shall mean an Irrigation Well constructed for the purposes of irrigating Historically Irrigated Acres and for replacing an Irrigation Well that has been properly de-commissioned with the State of Nebraska.

PURPOSE AND AUTHORITY:

The purpose and authority of these rules and regulations are in accord with Nebraska Revised Statute 46-707(2) and 46-714(12) to:

- 1) Limit the expansion of irrigated acres to approximately 2,500 acres per year for the calendar years 2009, 2010, 2011 and 2012 with a maximum not to exceed 10,000 acres in the same four year period.
- 2) Maintain the status of not fully appropriated based on the most recent Annual Evaluation.

IMMEDIATE STAY ON THE EXPANSION OF GROUNDWATER IRRIGATED ACRES:

Effective immediately, there shall be no additional groundwater irrigated acres, beyond that considered to be historically irrigated, within the Hydrologically Connected Area without a variance granted by the District.

IMMEDIATE STAY ON THE CONSTRUCTION OF NEW IRRIGATION WELLS:

Effective immediately, there shall be no additional irrigation wells, not considered a Replacement Well, constructed in the Hydrologically Connected Area without a variance granted by the District for the expansion of groundwater irrigated acres.

## HYDROLOGICALLY CONNECTED AREA

**Dodge County:** Township 17 North, Range 08 East, Sections 25, 35, 36;  
Township 17 North, Range 09 East, Section 31

**Douglas County:** Township 14 North, Range 09 East, Section 01; Township 14 North, Range 10 East, Sections 03, 04, 05, 06, 07, 08, 09; Township 15 North, Range 09 East, Sections 01, 02, 03, 11, 12, 13, 24, 25, 36; Township 15 North, Range 10 East, Sections 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34; Township 16 North, Range 08 East, Section 01; Township 16 North, Range 09 East, Sections 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36; Township 16 North, Range 10 East, Sections 04, 05, 06, 07, 08, 09, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34

**Sarpy County:** Township 12 North, Range 10 East, Sections 03, 04, 05, 09, 10, 11, 12, 13; Township 12 North, Range 11 East, Sections 01, 02, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21; Township 12 North, Range 12 East, Sections 06; Township 13 North, Range 10 East, Sections 03, 04, 05, 08, 09, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33; Township 13 North, Range 11 East, Sections 25, 36; Township 13 North, Range 12 East, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33; Township 13 North, Range 13 East, Sections 03, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; Township 13 North, Range 14 East, Sections 30, 31; Township 14 North, Range 10 East, Sections 16, 17, 20, 21, 28, 29, 32, 33;

**Washington County:** Township 17 North, Range 09 East, Sections 02, 03, 11, 12, 13; Township 17 North, Range 10 East, Sections 18, 20, 29, 32, 33;  
Township 18 North, Range 09 East, 05, 08, 17, 20, 28, 29, 33, 34.

# Hydrologically Connected Sections

