

UPPER ELKHORN The Oracle

"Making Wise Decisions Concerning Our Natural Resources"

<http://www.uenrd.org>

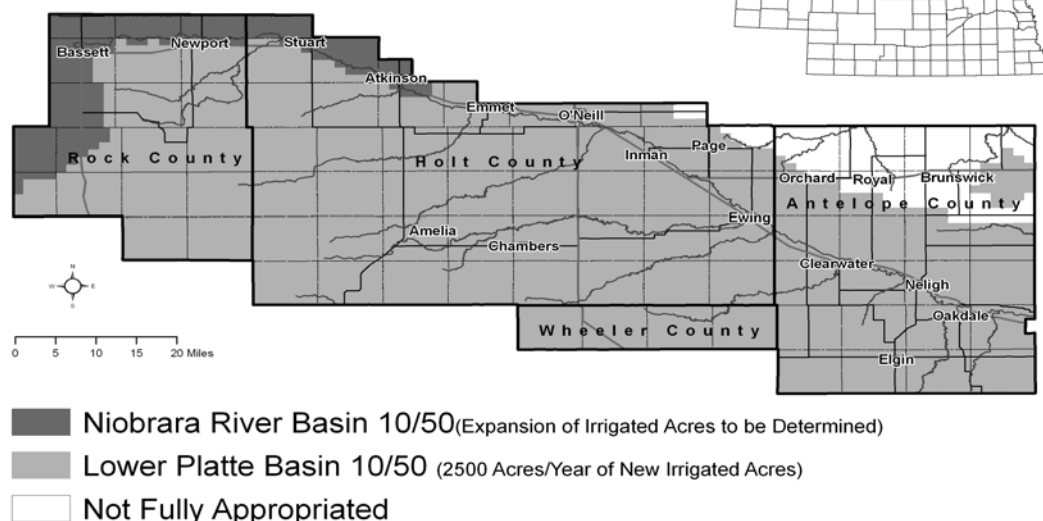
New Water Guidelines to Aid the Upper Elkhorn NRD in Water Management

UENRD Completes 3rd Expansion of Irrigated Acres Sign-up

Created by the Nebraska State legislature in 2009, LB 483 allowed the Upper Elkhorn NRD the opportunity to expand new irrigated acres within a portion of the district. This Lower Platte River Basin portion of the district was preliminarily labeled fully-appropriated in 2008. Without this legislation and the reversal of the preliminarily fully-appropriated designation by the Department of Natural Resources, no new irrigated acre development would have been allowed after 2008. However, new development is being allowed between 2009-2012. The legislation allowed 10,000 acres to be developed over the four year period and the UENRD allotted 2500 acres per year with any unused acres rolling over into the next sign-up period. As a result of unused acres and acres revoked because the expansion was not completed, the UENRD had a total of 4030 new irrigated acres available in January 2011. A total of 8675 acres were requested during the January 2011 sign up period with only 4030 acres of expansion available. At a special meeting, February 2, 2011 to review the applications, the UENRD Board approved 4065 acres

based on their criteria score. Applications denied will roll over into the January 2012 sign-up for the Lower Platte River Basin, which under LB 483 is the last sign-up. Cooperators receiving approval for new irrigated acres need to fulfill their applications and have the acres irrigated by October 1, 2011. These new irrigated acres will consist of new pivot development and areas which could not be previously irrigated due to an obstruction of the pivot. Cooperators not fulfilling their obligation and not irrigating the new acres will have them revoked. Out of the three sign-ups the UENRD has approved 7535 acres. For further information, LB 483 maps or to review the Groundwater Management Plan Rules and Regulations, please visit the Upper Elkhorn NRD website at www.uenrd.org.

Upper Elkhorn NRD
Moratorium and Stay Designations
as of April 6, 2009 (Signing of L.B. 483)



Groundwater Transfers Considered on a Case by Case Basis

The Upper Elkhorn NRD voted at its February Board of Directors meeting to allow the transfer of certified irrigated acres on a case by case basis for the 2011 growing season. The reason for the case by case basis is due to the fact the UENRD has yet to certify the irrigated acres within the district. This will not be an easy process, landowners will need to first certify the acres they wish to transfer with the UENRD which will be subject to various criteria and a transfer fee.

All acres to be certified in the Lower Niobrara River Basin Designation must have documentation that they were historically irrigated between 2003 and October 16, 2007; and, acres to be certified in the Lower Platte River Basin must have documentation that they were historically irrigated between 2004 and December 16, 2008 to receive 100% certification. Acres not irrigated during the before indicated time frames will be considered historically irrigated acres and receive a 95% certification. Documentation required to certify groundwater irrigated acres may consist of county tax records, USDA-FSA form 578 and an aerial photo outlining the irrigated acres. Once the acres have been certified, the transfer agreement will need to be filled out at the NRD along with the Lienholders Consent Form. All transfers will be approved by the UENRD Board of Directors at their regular board meeting. Upon the approval of the transfer, documents must be filed with the County Assessors/Clerks/Deeds office and the irrigation well information must be updated with the Department of Natural Resources. For further information on the UENRD Groundwater Management Plan Rules and Regulations please visit our website at www.uenrd.org.

Natural
Resources
District

Spring/Summer 2011

Supreme Court Overturns Niobrara River Basin Status

On June 3, 2011, the Upper Elkhorn NRD received word that the Nebraska Supreme Court had reversed the January 2008 fully appropriated designation within the Niobrara River Basin. The original designation affected 233 square miles of the UENRD in extreme north western Holt County and northern and western areas of Rock County. Since the Nebraska Supreme Court's ruling current stays on new development may be lifted as long as the Natural Resources District has rules and regulations drafted within 120 days after NDNR notification to monitor new groundwater uses. What does this mean for landowners within the Upper Elkhorn NRD? When the Rules and Regulations are adopted the affected area may be able to apply for the expansion of new groundwater use acres. A public hearing will be held outlining the guidelines in the future. These Rules and Regulations will be posted on the UENRD website at www.uenrd.org.



West Holt High School Competes In Its 12th Nebraska State Envirothon

The 2011 Nebraska Envirothon State competition was held May 7th at the Trails West YMCA Camp near Scottsbluff. Student teams, consisting of five members, first competed in one of seven regional contests around the state. The winners of each region and the next seven overall highest scoring wildcard teams had the opportunity to compete at the state competition. The state competition is one stop on the road to the Canon Envirothon which is a national program for 9th – 12th grade students.

The five-member teams competed in seven areas of environmental studies: Soils, aquatics, forestry, wildlife, range, policy and a current environmental issue pertaining to salt and fresh water estuaries. Test questions included written, and many required hands-on observations, measurements and calculations. Teams were also given a scenario regarding Salt and Fresh Water Estuaries and asked to develop an oral presentation, which they presented to a panel of judges during their testing rotation. After all the tests were completed and scored, team 1 from Superior High School was named the 2011 Nebraska Envirothon Champion with 317.17 points. Ord High School and West Holt High School tied for Second Place with 274.5 points. In the event of a tie, the team with the highest Special Oral Topic score wins the tiebreaker which put Ord High School in second place and West Holt High

School in third. Awards were also given to the team who scored the most points at each station. West Holt High School took home top honors for the Soils and Wildlife stations.

“The Envirothon gives high school students a chance to learn more about natural resources and serves to educate youth on the importance of protecting the future of Nebraska’s natural resources,” said Mary Ann Wortmann, Nebraska Association of Resources Districts (NARD) Board President. “The Envirothon also serves to introduce students to potential careers in natural resources management,” Wortmann added.

Superior’s team will be invited to represent Nebraska at the Canon Envirothon and also receives a \$1000 scholarship offered by the Nebraska Association of Resources Districts, who is the annual sponsor of the Nebraska Envirothon. Other sponsors for this year’s Envirothon included: Nebraska Forest Service, Nebraska Natural Resources Conservation Service, Monsanto Water Utilization Learning Center, Nebraska Department of Natural Resources, Midwest Laboratories, HDR Engineering Inc., Canon Envirothon, and Trails West YMCA Camp. This year the Canon Envirothon will be held in Sackville, New Brunswick, Canada with over 50 teams from across the U.S. and Canada expected to participate in the North American competition.



West Holt Envirothon Team Competes at the Range Station during the 2011 Nebraska Envirothon.

It’s The Law: Secondary Containment for Fertilizer and Chemigation

On November 14, 1992, title 198, the Rules and Regulations Pertaining to Agricultural Chemical Containment became law. The regulations require secondary containment of bulk liquid fertilizers and bulk liquid pesticides, and loadout facilities for loading, rinsing, etc. These regulations are administered by the Nebraska Department of Environmental Quality (NDEQ).

Secondary containment is required for bulk pesticide storage when the total storage capacity exceeds 500 gallons. Secondary containment is required for bulk fertilizer storage when (1) the storage capacity of a single container exceeds 2,000 gallons, (2) the storage capacity of two or more containers exceeds 3,000 gallons, or (3) when storage exceeds 25 percent of the capacity of a container larger than 500 gallons anytime from November 1 through March 15. Only containers larger than 55 gallons are considered bulk storage. Any container (including trailers) larger than 55 gallons used in chemigation is considered bulk storage and subject to the secondary containment requirements based on the capacity limits just described.

Loadout facilities are required in conjunction with secondary containment and also for custom applicators under certain circumstances. A custom applicator is defined in the regulations as “any person who uses or supervises the use of pesticides or fertilizers on property other than their own or which they rent or lease and bills, charges or assesses the cost of such work”.

A loadout facility is required when (1) bulk liquid pesticide storage exceeds 500 gallons, (2) bulk liquid fertilizer storage exceeds 5,000 gallons, (3) a custom applicator uses pesticides from original containers larger than 3 gallons, (4) a custom applicator uses pesticide or fertilizer mixtures in individual quantities of more than 100 gallons, or (5) bulk fertilizer or pesticide is transferred to or from a rail car. Loadout facilities are generally not required at the application site and a custom applicator may, under certain conditions, conduct loadout activities at a remote location for up to 14 days.

The storage and handling of anhydrous ammonia, dry fertilizers or pesticides, and manure are specifically exempted from the Title 198 re-

quirements. A container designed and used for transportation is not considered storage, unless it is connected to a chemigation system. A container with a capacity of 275 gallons or less that is received sealed and remains sealed at the facility may be excluded from the secondary containment requirements.

A construction plan is required. New secondary containment or loadout facilities must either be a design certified by a Nebraska registered engineer or a generic or standardized plan with has been approved by the NDEQ.

The compliance date for the pesticide requirements was November 14, 1992 for new facilities and was January 1, 1995 for existing operations. The effective date for the fertilizer requirements was July 1, 1994. Although new fertilizer operations must comply prior to operation after July 1, 1994, existing operations have until January 1, 1999. (see Figure A)

There are additional requirements in the regulations. For more information contact the Nebraska Department of Environmental Quality, www.deq.state.ne.us P O Box 98922, Lincoln NE 68509 or call (402) 471-0096.

Acre Certification to begin in 2010-2011

The Upper Elkhorn NRD will begin Irrigated Acre Certification in the late summer early fall of 2011. Landowners within the recently overturned area of the Lower Niobrara River Basin fully appropriated area will be the first to certify their acres due to the fully appropriated designation in 2007 by the Department of Natural Resources (DNR). Final acre certification will be based off of County Assessor and/or FSA records. Landowners will be contacted by mail with letters and information regarding the irrigated acres they have listed with the county assessor for 2010.

Landowners with ground water irrigated acres that have been irrigated at least once within the Lower Niobrara River Basin fully appropriated designation during the calendar years of 2003 through October 16, 2007 and the Lower Platte River Basin designation between the calendar years of 2004 and December 16, 2008 will be certified at 100% with proper documentation.

Historically irrigated acres currently enrolled in the Conservation Reserve Program, Conservation Reserve Enhancement Program, Environmental Quality Incentive Program or

other federal, state or local conservation program must also be certified if there is any possibility of future irrigation. Acres that were not historically irrigated prior to the Lower Niobrara River Basin designation in 2003 but have proper documentation may receive 95% certification for the total amount of irrigated acres should the landowner decide to reactivate a field for irrigation purposes. Any irrigated acres that are not certified during the specified dates would not be allowed to have groundwater applied to them for any purpose.

Cost Share Eligibility Requirements

Any person who fails to comply with any of the Upper Elkhorn Natural Resources District's Rules and Regulations shall not be eligible to participate in any programs or receive payments that are administered by the District. Programs requiring compliance include but are not limited to the following: UENRD Groundwater Management Plan - Phase I and Phase II Rules & Regulations; Nitrogen Certification

Program, LB483 Rules and Regulations Chemigation Act; Irrigation Runoff and Erosion and Sediment Control. Cost share programs that may be affected due to lack of compliance include but are not limited to the following: Nebraska Soil and Water Conservation Program; Upper Elkhorn NRD Conservation Program - Land Treatment Fund; WILD Nebraska/Wildlife Habitat Improvement Program; Nebraska

Buffer Strip Program; Corners for Wildlife; Liquid/NH₃ Application Program; Livestock Manure Analysis Program; Domestic Water Quality Program; Nitrogen Management Program; and, the Water Well Decommissioning Program. Anyone who is already a participant in any of these programs or may be a participant will not receive any payments as long as they fail to comply with any District rules and regulations.

Attention Chemigators We Must Continue to Protect Our Environment

There seems to be some confusion with the updates to the UENRD Chemigation Program. Anyone who permits a chemigation site this year will receive pre-printed renewal forms for the 2012 chemigation season. These forms will contain the landowner information, certified chemigator and legal description. Cooperators receiving these forms will need to make sure the pre-printed information is correct, list any fertilizer or chemicals used the previous year (2011) through the system, sign and return with the proper fee. **Renewal forms sent out are nontransferable. If you rent different quarters**

from year to year, you will need to fill out new forms for the rented quarters with your information; however, this does not mean it would be a new fee. If the quarter was permitted the previous year it would still be a renewal. If you are not sure of the status of a quarter you can contact the NRD office for this information. If you are no longer farming a quarter, you may either return the form with a notation that you are not farming that quarter this year or completely disregard the form in question. **Also, cooperators should not alter the pre-printed forms with a different legal**

description because this will not match the chemigation permit number attached on the form. Pre-printed renewal forms may be returned to the NRD office anytime from the time they are received to the June 1 deadline to maintain their renewal status.

Anyone found to be out of compliance in regard to the Chemigation Act may be subject up to \$1,000 civil penalty or Class II misdemeanor and ineligible for UENRD cost share programs.

If you have any questions please contact the NRD office at 336-3867.

Budgetary Issues May Impact Funding for Cost Share Programs

Due to State and local budgetary issues, limited funds may be available for the 2011-2012 fiscal year. Anyone wishing to participate in an Upper Elkhorn NRD cost share program should contact the Upper Elkhorn NRD office or their local NRCS office. Cost share is available for the installation of the practice itself and will not include any sales tax on the materials or labor. Cost share programs are based on available funding and include:

NSWCP/NRD: The UENRD in conjunction with the Department of Natural Resources offers cost share practices to landowners wishing to install conservation practices. Some practices included in the program are: windbreaks; planned grazing systems; irrigation water management; pasture planting and range seeding; grade stabilization; and, windbreak renovation. Cost share is available at a rate of 50%.

Anhydrous Ammonia Application: The UENRD offers 50% cost share to landowners for the purchase of a flow control monitor not to exceed \$900; and, \$200 for the purchase of a vertical dam manifold.

Livestock Manure Analysis: The UENRD offers 50% cost share not to exceed \$200 for manure analysis to credit useful materials into the soil.

Nitrogen Management: The UENRD offers 50% cost share not to exceed \$200 to cooperators to encourage producers to manage fertilizer application better by accounting for residual nitrate-nitrogen which already exists in the soil root zone and irrigation water.

Water Well Decommissioning: The UENRD in conjunction with the Department of Natural Resources offers cost share funds at a rate of 75% to landowners who wish to properly decommission an abandoned well.

Domestic Water Quality: The UENRD offers cost share to cooperators whose drinking water is contaminated with nitrates over the federal health standard of 10 parts per million. Cost share is available at a rate of 50% or a maximum of \$800.

Cost share funding is available on a first come first serve basis and will not include sales tax.

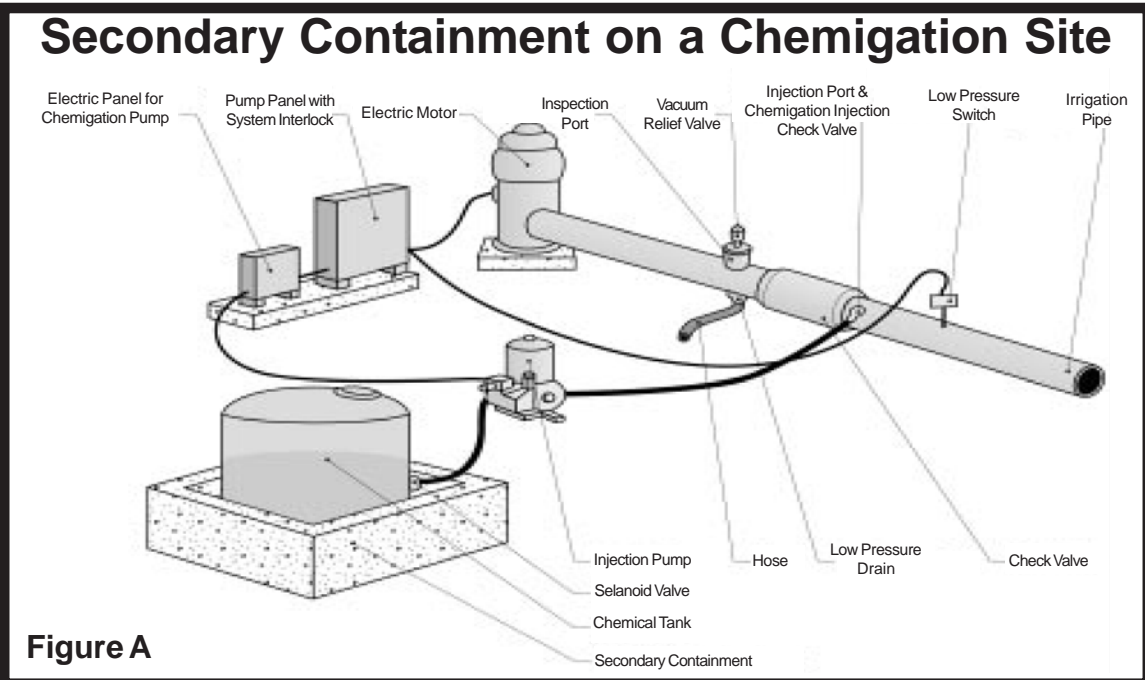
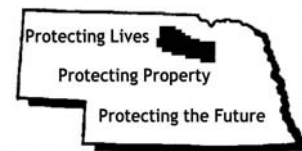


Figure A

NeRAIN Volunteers Needed!!!

If you are a weather enthusiast and would like to volunteer for the NeRAIN Program contact the Upper Elkhorn NRD at 402-336-3867! Volunteers will receive a new quality rain gauge, installation and brief training (on internet) to record data. All you need is a computer with internet access and a few minutes each day to report readings from your gauge!



Department of Natural Resources



Are Your Wells Registered???

As of September 9, 1993, all wells drilled in the State of Nebraska are required to be registered with the Department of Natural Resources (DNR). To find out if your wells are registered you may follow the Registered Well Locator link on the UENRD website (www.uenrd.org) or contact your local NRD office.

Since the passage of LB 962 it is also important to make sure your wells are registered under the proper name and that any irrigated acres are registered. Both the DNR and NRD will be monitoring wells more closely to ensure compliance with Nebraska State Law. Unregistered wells could possibly be

subjected to a cease and desist order, immediate decommissioning without availability for cost-share, or an increased cost for required registration through the DNR.

Written notice must be provided to the DNR for change of ownership, correction of registration information, modifications of a registered well, and for abandonment of all wells.

For further information regarding the reasons to register a well, go to the DNR website at <http://www.dnr.state.ne.us/> or if you have any further water well related questions, contact the DNR (402-471-2363) or Upper Elkhorn NRD.

**Attention
Cooperators!!
Remember to
bring in your
irrigation water
samples for
your Nitrogen
Management
Certification!!
Water Samples
must be sub-
mitted once
every 4 years!**

Are You Crediting Nitrogen in Your Irrigation Water - It's Free

In a continuing effort to protect, maintain and improve our groundwater quality, the Upper Elkhorn NRD would like to encourage all irrigators to credit the nitrogen which may be in their irrigation water. This is a simple process which involves having your irrigation water sampled and running the results through the following formula.

Example for an irrigation water sample which tested 10 ppm:

$$\frac{2.72 \times \text{Irrigation Water Sample Results}}{12} = \text{Pounds of nitrogen per 12 inches of irrigation application}$$

$$\frac{2.72 \times 10 \text{ ppm}}{12} = 2.26 \text{ Pounds of nitrogen per 12 inches of irrigation application}$$

Nitrogen Management Certification Requirements

Since the adoption of the Upper Elkhorn NRD Groundwater Management Plan in 1997, the NRD has required anyone responsible for making decisions on any type of application of nitrogen fertilizer be certified in nitrogen management. This would include any person or persons responsible for the purchase of nitrogen fertilizer and applying nitrogen fertilizer on an area greater than one acre and applying more than 50 pounds of actual nitrogen fertilizer per acre

on any crop within the UENRD either commercially or privately. Cooperators must certify once every four years by attending a Nitrogen Certification class and are required to submit a water sample from each irrigation well within their farming operation once during the four year period.

If your nitrogen certification card is up for renewal in 2011 please make sure you have submitted your water samples to meet the NRD requirements.

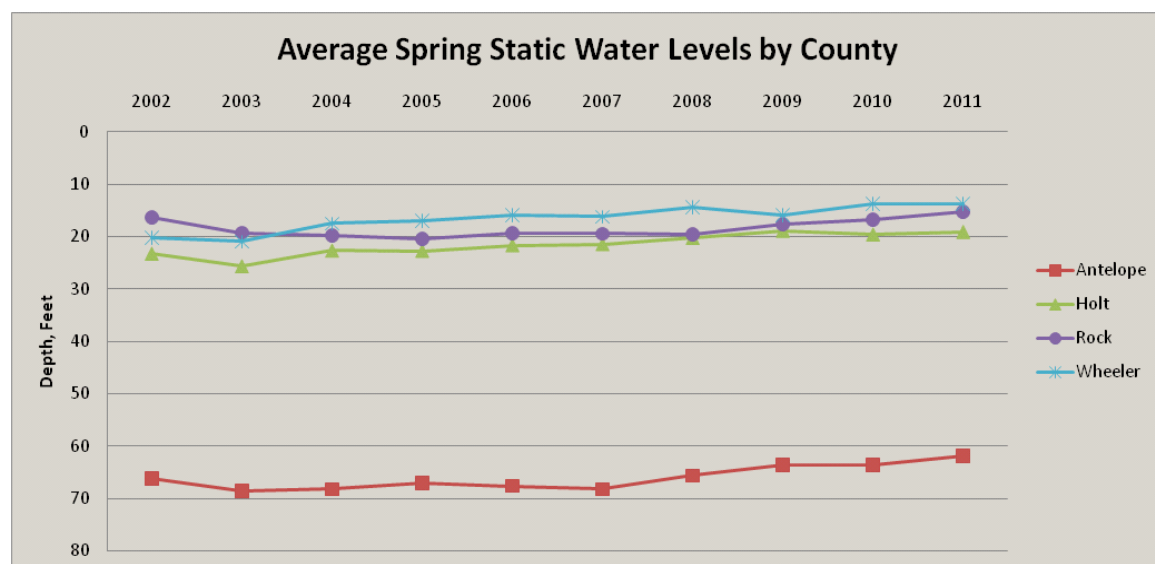
Monitoring Upper Elkhorn NRD Static Water Levels for Future Preservation of Our Resources

The Upper Elkhorn NRD has managed a static water level monitoring program since 1975. Over time, the program has expanded to include 157 irrigation wells and dedicated monitoring wells across the District. During the spring and fall, the elevation of the water table is measured in non-

pumping wells, or static conditions in irrigation wells. The District uses this information to ascertain changes in groundwater levels over time and determine the status of the aquifer. The water table elevation is influenced by climatic conditions and con-

sumptive uses, e.g. crop and livestock production, domestic and municipal usage, and manufacturing. The Charts below show average spring static water levels by county for the last ten years. Static water levels have increased or maintained since 2010 readings.

Average Depth to Water in Feet (Spring)										
County	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Antelope	66.15	68.62	68.22	66.99	67.62	68.22	65.62	63.54	63.64	61.86
Holt	23.28	25.71	22.68	22.75	21.65	21.45	20.24	18.86	19.56	19.07
Rock	16.38	19.28	19.77	20.48	19.32	19.47	19.58	17.69	16.76	15.25
Wheeler	20.25	20.96	17.51	17.05	15.96	16.2	14.45	15.85	13.8	13.8



The Oracle is the official publication of the Upper Elkhorn Natural Resources District. It is produced for the purpose of educating the public regarding natural resources issues. Any comments or questions should be sent to Beth Walsh, Upper Elkhorn NRD, 301 N. Harrison Street, O'Neill, NE 68763 or e-mailed to bwalsh@uenrd.org.

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Gregg Felker - Vice Chair	Subdistrict 3 ~ Brunswick	(402) 336-2864
Dale Wiles - Treasurer	Subdistrict 3 ~ O'Neill	(402) 336-1805
Ted Hughes - NARD Rep	Subdistrict 6 ~ Neligh	(402) 887-4942
Jerry Childers	Subdistrict 4 ~ Chambers	(402) 482-5688
Chris Dierks	At Large ~ Ewing	(402) 485-2618
James Dvorak	Subdistrict 2 ~ Atkinson	(402) 925-5776
Scott Beckman	Subdistrict 7 ~ Elgin	(402) 843-2334
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Jeff Krebs	Subdistrict 6 ~ Neligh	(402) 887-5215
Mike Russman	Subdistrict 4 ~ Ewing	(402) 485-2638
Roy Stewart	Subdistrict 1 ~ Newport	(402) 244-5360

UENRD Board Meetings are held the 4th Monday of every month.

March through October at 8:00 P.M. and November through February at 2:30 P.M.

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