Request to Construct an Irrigation Well and/or Expand Water Use in the Lower Elkhorn Natural Resources District

Combined Application for a Standard Variance and Well Permit

				_		_					
	Hydrologically connected	nd area	Non bydr		er Elkhorn NRD Use onnected area		y – te Received:				
	, , ,				Sincered area	Dat	ie Received.				
								Evminotion	Dotos		
					riance Approval Date:			=			
W	ell Permit Number:	LE-		We	ell Permit Approval Da	ite:		_ Expiration	Date:		
Aj	oproved by:										
Nι	amber and Legal De	scription o	f Approve	d New Irr	igated Acres:						
					Please Print Legibly						
1.	Purpose of Varia	nce Requ	est and	of New V	Vell and/or Expande	ed W	ater Use (ch	eck all tha	at apply):	
		-		-	oanded water use (des		•				
	니 New well co	nstruction	니 Irrigati	on pit con	struction 🖳 Existing v	well r	modification (if	modified to a	well that	requires a	permit)
2.	Water Source and	d Water U	lse Inforr	mation			•	NOR	TH ^		1
	a. Well location	descript	ion:		County,						
	Township Section number			UE	ast ᅵ West,		NW NW	NE NW	NW N	ΙE	NE NE
	b. The well is or fe			th □lsc	outh and						
					est section lines.	mile	SW NW	SE NW	SW N	IE .	SE NE
	Latitude		Long	gitude		,	·····				
	c. How many <u>ne</u>	<u>w</u> irrigate	ed acres	will be d	eveloped						
	(estimated to the	e nearest o	ne-tenth o	f an acre)'	?Acres.	1/2	NW SW	NE SW	NW S	iE	NE SE
	d. Intended use				p production,	nile					
	pasture, golf co									_	05.05
	e box at the right rep licate in this box:			e mile sect	II.	1/4 mile	SW SW	SE SW	SW S	E	SE SE
	The location of the protect that will be used				her sources of $igwedge$		← 1,320 feet →				
	outline the area(s) of				use for the well(s).	•	1,320 leet ->	- 2,640 feet -	5,	280 feet —	→
	e. Legal descrip	tion of n	ew and e	xisting v	vater use area(s):						
	County	Township	Range	Section	Location within the sect	ion	Well Reg. or S\	N Approp. Nu	mber(s)	Acres	Acres
		<u> </u>							` '	(New)	(Existing)
		1									

	f.	Well specifications:
		Estimated or actual well yield: gallons per minute, and total depth of well:feet.
		Applications for expanding acres with a new well must include test hole and well yield information to be considered complete.
		Applicants must include well yield information from three (3) high capacity wells located within a one (1) mile radius.
	g.	Irrigation application method:
		☐ Center pivot ☐ Volume gun ☐ Gravity ☐ Subsurface drip ☐ Other
	h.	Use of chemigation as a best management practice to apply nitrogen - See Conditions for Approval, page 10:
		☐ Will use chemigation ☐ Will not use chemigation
	i.	Is the land associated with this variance request situated adjacent to a parcel of land with certified
	•	irrigated acres and if approved will allow an existing center pivot to complete a 360 degree revolution? Yes
		Legal description of adjacent irrigated parcel
		Number of certified irrigated acres on adjacent parcel associated with this request: acres
3.	Off	set Water Sources and Methods – (If you do <i>NOT</i> intend to provide offset to lower the number of New Irrigated
		es for this application, check "No" in the first question below and then skip to section 4.)
	De	escription of methods to provide offset water:
		Will offset water be provided by the applicant?
		Describe the source(s) and method(s) proposed to provide offset water.
		Legal description of source(s) of offset water:
		County Township Range Section Area within section
		County Township Range Section Area within section
		Volume of consumptive use credit for offset watergallons acre inches
		Timing of consumptive use credit
		Please attach documentation to prove your ability to secure the offset, and the timing and duration of the offset.
4.	Lar	nd Information
		iu information
	De	
		escription of current land use: (dryland, pasture) arcel numbers for land affected by this variance request:
5.	Pa	escription of current land use: (dryland, pasture) arcel numbers for land affected by this variance request:
5.	Pa Des	escription of current land use: (dryland, pasture) arcel numbers for land affected by this variance request:scription of Project
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7. STANDARD CONDITIONS

VARIANCE STANDARD CONDITIONS

This application is not transferrable from one person to another person

The following conditions will apply for a Standard Variance:

- 1) A Variance approved by District only applies to the locations and/or volume of water, and if the use is dewatering, to the period of time specified in the variance approval. Any proposed additional expansion of water use in the size of the area or in volume of water applied will require an additional Variance.
- 2) Landowner has 30 days from the date the District mails the Variance to sign the Variance and return it to the District. By signing the Variance, the landowner accepts the terms and conditions of the Variance. If the landowner does not comply with this condition within 30 days, the Variance shall lapse and the landowner must request a new Variance, absent Board approval for good cause shown.
- 3) Landowner has 180 days from the date the District mails the Variance to submit an application to the District for a well construction permit (if applicable), update County assessor records and DNR well registration records on New Groundwater Irrigated Acres, and comply with any additional conditions required by the District.
- 4) The issuance of a Variance does not exempt the applicant(s) from complying with any future integrated management plan or changes to the District's groundwater management plan or any rules and regulations adopted in accordance with that plan, including future amendments.
- 5) If the irrigation activities authorized under Variance are not initially put to use within 18 months immediately following the approval date of the Variance then the Variance shall lapse and the landowner must request a new Variance absent Board approval for good cause shown.
- Any person who knowingly furnishes false information regarding an application for a Variance shall be subject to the imposition of penalties imposed through the controls adopted by the District pursuant to Neb. Rev. Stat. § 46-746, and may, upon notice and opportunity for a hearing, have the Variance cancelled by the Board.
- 7) Upon the issuance of any variance, the landowner shall file a Notice of Encumbrance with the register of deeds office in the applicable county on the form provided by the District. This Notice of Encumbrance will indicate that the use of the well, which is a fixture that runs with the land, is subject to certain terms and conditions, and that any future potential buyer should obtain these terms and conditions from the District. The Notice of Encumbrance shall be filed and a file-stamp copy returned to the District within 30 days of the date the District mails the Variance. If the landowner does not comply with this condition within 30 days, the Variance shall lapse and the landowner must request a new Variance, absent Board approval for good cause shown.
- 8) Any person who violates any provision of RULES 13 and 15, or the terms and conditions of any Variance or exception granted under RULES 13 and 15, may be subject to a cease and desist order and the Variance may be subject to cancellation by the Board. This provision shall not limit any other enforcement authority or mechanism available to the District.
- 9) Applicant must equip the well (or wells) subject to the Variance with a District approved flow meter prior to groundwater withdrawal in compliance with RULE 11 of the District's Rules and Regulations.
- 10) The conditions in this subsection are the standard conditions for any variance. Because every application is fact specific, and certain circumstances may arise that require additional conditions for the conservation, protection, development, or sound management of the natural resources in the District, the Board may add additional conditions to individual Variances as it deems necessary for the protection and general welfare of the people within the District. Such additional conditions also may be necessary for the Board to find good cause exists to grant the Variance. Additional conditions will be set forth on approval of the variance application and/or pursuant to broader policies established by the District now or hereafter which shall automatically constitute additional conditions of the variance without further notices being necessary
- 11) Variances granted under the District's rules and regulations are deemed unique and special with regard to the specific application and/or application period, and do not create a precedent for future application, or matters pertaining to other lands, whether or not they are similarly situated.

The Lower Elkhorn NRD office is located at 1508 Square Turn Boulevard, Norfolk, Nebraska Phone: 402-371-7313

WELL PERMIT CONDITIONS

- The proper installation and maintenance of flow meters is required for all wells authorized by this permit; the reporting
 of data from these flow meters is required from ground water users; and, finally, District staff and/or their
 representatives are authorized to perform inspections of these flow meters.
- 2. Well permits are required prior to construction, or, in the case of an irrigation pit (see condition number 12), prior to pump installation, or a late fee of \$250 will be assessed.
- 3. A permit is required for a new or replacement water well that is a single well designed or constructed to pump more than 50 gallons per minute, or a well that is connected to one or more other wells in such a way that the wells are designed or constructed to collectively pump more than 50 gallons per minute. Connected water wells are regarded as one well, and the combined capacity shall be used for the estimated pumping capacity.
- 4. A permit is not required for dewatering wells with an intended use of 90 days or less and test holes.
- 5. A replacement well means a water well which is constructed to provide water for the same purpose as the original water well and is operating in accordance with any applicable permit from the Department and any applicable rules and regulations of the District and, if the purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and (i) replaces a decommissioned water well within one hundred eighty (180) days after the decommissioning of the original water well, (ii) replaces a water well that has not been decommissioned but will not be used after construction of the new water well and the original water well will be decommissioned within one hundred eighty days (180) after such construction, except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one year after completion of the replacement water well, or (iii) the original water well will continue to be used but will be modified and equipped within one hundred eighty days (180) after such construction of the replacement water well to pump fifty gallons per minute or less and will be used only for livestock, monitoring, observation, or any other nonconsumptive or de minimis use and approved by the District.
- 6. A permit must be obtained for an existing water well that did not require a permit before it is modified into a well that would otherwise require a permit.
- 7. If construction of the well is not complete within one year of permit approval, a new permit will be required.
- 8. The well authorized by this permit must comply with well spacing requirements set forth by state and local statutes (600 feet between registered irrigation wells of separate ownership and 1000 feet between any registered irrigation well and commercial/industrial, or public water supply wells. 1000 feet between any high capacity well and registered domestic well in a LENRD Quantity Subarea).
- 9. Water wells constructed within 50 feet of a stream bank must have a surface water right for that stream from the Nebraska Department of Natural Resources before construction of the well.
- 10. Any person who commences or causes construction of a well for which the required permit has not been obtained, or who knowingly furnishes false information regarding such permit shall be subject to a civil penalty if that person violates a cease and desist order. Upon violation of the cease and desist order, the District may require the water well to be decommissioned.
- 11. This permit does not register the well with the Nebraska Department of Natural Resources. All wells are required to be registered with the Nebraska Department of Natural Resources within 60 days after the well is completed, and must be registered under the *landowner*'s name.
- 12. A permit is required for an irrigation pit, which is any excavation made for any purpose if groundwater flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation. For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation.
- 13. This permit is not transferable.
- 14. If the legislature or courts make a determination that this permit is not valid, the District is not responsible for any damages arising therefrom to the permit holder.

8. Applicant and Landowner Information

Applicant Information:	Landowner information, if different from applicant:
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: () -	PHONE: ()
Email and or cell phone n	umbers (optional):
9. Signatures	
The applicant must sign an form.	d date this form. The landowner, if different from the applicant <u>must also sign and date</u> this
By signing this application:	
	either <u>own or control</u> the above described real estate pursuant to the Nebraska Revised Statute 46-735, I/we have provided in this application is true and accurate to the best of my/our knowledge;
• I/we acknowledge that I/we hage 10 of this application;	nave read and understand the conditions listed on pages 3 and 4, and the Conditions for Approval on
appropriated pursuant to t	Standard Variance, if approved, and in the event that the Lower Elkhorn NRD is declared fully he Nebraska Revised Statutes 46-701 through 46-753, may not guarantee my/our ability to use the not exempt me/us from any obligation(s) to obtain a water offset in the future;
 I/we authorize the Lower Elk notification; and 	horn NRD or its representative to enter my/our land in order to perform inspections, after proper
	en documentation acknowledging my/our ability to apply for this Standard Variance under Nebraska s of any written request by the Lower Elkhorn Natural Resource District.
	he appropriate box below certifying the real estate property right claimed under this application. I Lease that Terminates on
Power of Attorney	Other
Date	Signature of Applicant
Date	Signature of Landowner (if applicable)
This form must be complete address listed below:	ed in full, signed, and submitted with a \$100.00 fee (nonrefundable) to the District at the
Lower Elkhorn NRD	

Be sure to attach:

Norfolk, NE 68701

1508 Square Turn Boulevard

- 1. Current tax assessor records where water is to be used, including the legal description, parcel number and an accurate account of current land use (such as irrigation, pasture, dryland, trees, buildings ...).
- 2. Aerial photograph(s) marked ACCURATELY with the legal description, current land use, location(s) of current and proposed water source(s) and the area where you intend to use water.
- 3. Test hole logs and well yield estimates (in gallons per minute) from a Licensed Well Driller to this application.

Please fill out the application completely and correctly.

Incomplete or defective applications will be returned to the applicant.

The Lower Elkhorn NRD office is located at 1508 Square Turn Boulevard, Norfolk, Nebraska Phone: 402-371-7313

The District must receive this complete application, including all attachments, by 4:30 p.m. on October 31, 2024.

In order to process this application, we need all sections of the form completed plus the following:

- 1. Test hole log and estimate of well yield in gallons per minute, in addition to well yield information from 3 high-capacity wells located within a 1 mile radius of the proposed or existing well location.
- 2. <u>County Assessor records of land use</u>. This information can be accessed by visiting your county assessors website and printing parcel information for your respective property.
- 3. An aerial photo with the locations of the water source(s) and current and new irrigated acres clearly and accurately indicated. The NRD will use this information to determine several of the ranking criteria, so it is vital that this is accurate. The aerial photo must include the legal description and have the section boundaries clearly marked.
- 4. The area illustrated on the aerial photo from number 3 above must match the number of New Irrigated Acres requested on this application. In order to accurately score and rank your application, the NRD needs to replicate the information supplied on this application with its computer mapping program. The application may be considered incomplete if the NRD cannot get the new irrigated area to match the number of New Irrigated Acres requested. We recommend you work with an irrigation dealer to draw the most accurate area and provide the most accurate estimate of the number of New Irrigated Acres for your application.
- 5. If reuse water will be used or if you have offset water sources, please contact NRD staff.
- 6. You must provide a detailed written description of your project (see section 5 of the application).

Please double-check your application to ensure that all of the information in the following checklist is included:

			Descriptio	n	Page	Section		
	Sketch th	e locations	of the water source(s) and the r	new irrigated acres on the diagram.	1	2		
	The latitud	de and long	itude (GPS coordinates) of the I	proposed well location.	1	2b		
	requested	l.	,	of the number of New Irrigated Acres	1	2c		
			luding currently irrigated and ne le, along with all water source(s	ew irrigated acres, affected by this s).	1	2e		
	Provide a	detailed wr	itten description of the project.		2	5		
				his application may apply for a variance. s name and contact information.	5	8		
			e landowner (if different) must s	<u> </u>	5	9		
			sor information, including maps legal descriptions of all affecte	, the number of acres of each land use, d land.				
		tach an aerial photo with new well and irrigated acres <u>clearly and accurately</u> identified, and ow current irrigated land and water sources.						
	You must	attach test	hole and a well yield estimate.					
NRD U	SE ONLY							
Prelimi	inary Rank:	Score	Date mailed to applicant:	Date received back from applican	t:			
Final R	Rank:	Score	Date	Well registration number:				
Notes:	:							

Category				1050 Area	Scoring Do	ocument						
Impact to Streamflow			Subcatego	ories and Po								
•	Less than 10%	10 to less than 20%	20 to less than 30%	30 to less t		40 to less t	han 50%	50 to less than 60%	60 to less than 70%	70 to less than 80%	80 to less than 90%	90% or greater
,	150 pts.	125 pts.	125 pts.	100 pts.		100 pts.		75 pts.	75 pts.	50 pts.	50 pts.	50 pts.
Acres Requested	Fewer than 10	10 to less than 20	20 to less than 30	30 to less t	than 40	40 to less t	han 60	60 to less than 80	80 to less than 100	100 to less than 120	120 to 140	140 or greater
	150 pts.	125 pts.	100 pts.	75 pts.		50 pts.		40 pts.	30 pts.	20 pts.	10 pts.	0 pts.
Net Irrigation Requ	irement	6 to 7 inch range	7 to 8 inch range	8 to 9 inch	range							
		50 pts.	25 pts.	0 pts.								
Soil Evaluation Score (Weigh	nted average of erosio	n potential by water	, wind, and AWC (wat	er storage c	apacity)							
		300 points maximur	n									
Well Yield Estimate												
	1000 gpm or greater	750 gpm to 999 gpm	500 gpm to 749 gpm	499 gpm o	r less							
	50 pts.	35 pts.	15 pts.	0 pts.								
Transmissivity Value												
100,001	gpd/ft and greater	60,001 - 100,000 gp	d/ft 20,001 - 6	0,000 gpd/ft	t	20,000 gpd	l/ft or less					
	100 pts.	75 pts.	50 pts.			25 pts.						
Proven Well Yield (test pump	logs from 3 wells wit	hin 1 mile)										
	1000 gpm or greater	750 gpm to 999 gpn	749 gpm to 500 gpm	499 gpm o	r less							
	150 pts.	125 pts.	100 pts.	75 pts.								
High Capacity Well Density -	Inventory of active	wells.	Subcatego	ories and Po	ints							
	100/001 gpd/ft or gre	ater	0 to 21 wells	22 to 42 w	ells	>42 wells						
			75 pts.	35 pts.		0 pts.						
	60,001 - 100,000 gpd,	/ft	0 to 18 wells	19 to 36 w	ells	>36 wells						
			75 pts.	35 pts.		0 pts.						
	20,001 - 60,000 gpd/f	t	0 to 15 wells	15 to 30 w	ells	>30 wells						
			75 pts.	35 pts.		0 pts.						
	20,000 gpd/ft or less		0 to 12 wells	16 to 24 w	ells	>24 wells						
			75 pts.	35 pts.		0 pts.						
Previous applicant but denie	d approval		Yes	No								
			1 pt.	0 pts.								
Land is adjacent to existing in	-	allow for existing	0 - 40 acres	41+ acres								
irrigation equipment to com	plete circle		74 pts.	50 pts.								
Will utilize chemigation as			Yes	No								
the primary means of												
applying nitrogen to crops			100	0								
			100	0								
Applicant has been issued a	cease and desist order	within past 5 years		No								
Dunavianita ta aliataiat atau	_		-1000 pts.	-0 pts.		> 2 mailes						
Proximity to district stay area	a		< 1 mile	1 to 2 mile	S	> 2 miles						
NACILLA AIDEE A DE CARACTER DE	Harad Bard at 1		-25 pts.	-10 pts.		-0 pts.						
Within NDEE delineated Wel	Inead Protection Area		Yes	No								D 7
			-100 pts.	-0 pts.								Page 7

Category					NON 1050	Scoring Doo	cument										
Impact to Streamflow						ries and Poi											
Depletion Factor	Less than 10%	10 to less t	han 20%	20 to less t	han 30%	30 to less t	han 40%	40 to less t	han 50%	50 to less t	han 60%	60 to less t	than 70%	70 to less than 80%	80 to less t	han 90%	90% or greater
	150 pts.																
Acres Requested	Fewer than 10	10 to less t	han 20	20 to less t	han 30	30 to less t	han 40	40 to less t	han 60	60 to less	han 80	80 to less t	than 100	100 to less than 120	120 to 140		140 or greater
	150 pts.	125 pts.		100 pts.		75 pts.		50 pts.		40 pts.		30 pts.		20 pts.	10 pts.		0 pts.
Net Irrigation Requ	uirement	6 to 7 inch	range	7 to 8 inch	range	8 to 9 inch	range										
		50 pts.		25 pts.		0 pts.											
Soil Evaluation Score (Weig	hted average of erosi	on potential	by water,	wind, and A	WC (water	storage capa	acity)										
		300 points	maximum														
Well Yield Estimate																	
	1000 gpm or greater	750 gpm to	999 gpm	500 gpm to	749 gpm	499 gpm or	r less										
	50 pts.	35 pts.		15 pts.		0 pts.											
Transmissivity Value																	
100,001 §	gpd/ft and greater	60,001 - 10	00,000 gpd/	′ft	20,001 - 6	0,000 gpd/ft		20,000 gpc	l/ft or less								
	150 pts.	125 pts.			100 pts.			50 pts.									
Proven Well Yield (test pum	p logs from 3 wells w	ithin 1 mile)															
	1000 gpm or greater	750 gpm to	o 999 gpm	749 gpm to	500 gpm	499 gpm or	r less										
	150 pts.	125 pts.		100 pts.		75 pts.											
High Capacity Well Density	- Inventory of active	Wells.			Subcatego	ries and Poi	nts										
	100/001 gpd/ft or g	reater		0 to 10 we	lls	11 to 20 we	ells	>20 wells									
				75 pts.		35 pts.		0 pts.									
	60,001 - 100,000 gp	d/ft		0 to 9 wells	S	10 to 18 we	ells	>18 wells									
				75 pts.		35 pts.		0 pts.									
	20,001 - 60,000 gpd	/ft		0 to 7 wells	S	8 to 15 wel	ls	>15 wells									
				75 pts.		35 pts.		0 pts.									
	20,000 gpd/ft or less			0 to 5 wells	S	6 to 11 wel	ls	>12 wells									
				75 pts.		35 pts.		0 pts.									
Previous applicant but deni	ed approval			Yes		No											
				1 pt.		0 pts.											
Land is adjacent to existing	irrigated land, and wi	lallow for		0 - 40 acres	S	41+ acres											
existing irrigation equipme	n to make a complet	e circle.		74 pts.		50 pts.											
Will utilize chemigation as				Yes		No											
the primary means of																	
applying nitrogen to crops				100													
				100		0											
Applicant has been issued a	cease and desist orde	er within pas	st 5 years	Yes		No											
				-1000 pts.		-0 pts.											
Proximity to district stay are	ea			< 1 mile		1 to 2 miles	S	> 2 miles									
				-25 pts.		-10 pts.		-0 pts.									
Within NDEE delineated We	ellhead Protection Are	a		Yes		No											
				-100 pts.		-0 pts.											Page 8

Category				QM Subarea Scor	ng Document					
Impact to Streamflow			Subcate	gories and Points	ing Document					
Depletion Factor	Less than 10%	10 to loc	ss than 20% 20 to less than 30%		/ 10 to loss than E00/	50 to less than 60%	60 to less than 70%	70 to less than 80%	80 to less than 90%	90% or greater
Depletion Factor							<u> </u>	+	+	
Asyas Daguestad	150 pts.	125 pts.	-	100 pts.	100 pts.	75 pts.	75 pts.	50 pts. 100 to less than 120	50 pts.	50 pts.
Acres Requested	Fewer than 10		ss than 20 20 to less than 30	30 to less than 40	40 to less than 60	60 to less than 80	80 to less than 100		120 to 140	140 or greater
Not to do a fine fine	150 pts.	125 pts.	· · · · · · · · · · · · · · · · · · ·	75 pts.	0 pts.	0 pts.	0 pts.	0 pts.	0 pts.	0 pts.
Net Irrigation Req	uirement		ch range 7 to 8 inch range	8 to 9 inch range						
	1	50 pts.	25 pts.	0 pts.						
Soil Evaluation Score (Weig	thted average of erosic		ial by water, wind, and AWC (w	ater storage capacity)						
		300 poir	nts maximum							
Well Yield Estimate										
	1000 gpm or greater		n to 999 gpm 500 gpm to 749 gpr	<u> </u>						
	50 pts.	35 pts.	15 pts.	0 pts.						
Transmissivity Value										
100,00	01 gpd/ft and greater			- 60,000 gpd/ft	20,000 gpd/ft or less					
	100 pts.	75 pts.	50 pts.		25 pts.					
Proven Well Yield (test pum	· · · · · · · · · · · · · · · · · · ·	1	-							
			n to 999 gpm 749 gpm to 500 gpr							
	150 pts.	125 pts.	·	75 pts.						
High Capacity Well Density	•		1	gories and Points						
	100/001 gpd/ft or gr	eater	0 to 10 wells	11 to 20 wells	>20 wells					
			75 pts.	35 pts.	0 pts.					
	60,001 - 100,000gpd,	/ft	0 to 9 wells	10 to 18 wells	>18 wells					
			75 pts.	35 pts.	0 pts.					
	20,001 - 60,000 gpd/	'ft	0 to 7 wells	8 to 15 wells	>15 wells					
			75 pts.	35 pts.	0 pts.					
	20,000 gpd/ft or less		0 to 5 wells	6 to 11 wells	>12 wells					
			75 pts.	35 pts.	0 pts.					
Previous applicant but deni	ed approval		Yes	No						
			1 pt.	0 pts.						
Land is adjacent to existing	irrigated land, and will	allow for	r existing 0 - 40 acres	41+ acres						
irrigation equipment to con	n plete circle.		74 pts.	0 pts.						
Will utilize chemigation as			Yes	No						
the primary means of										
applying nitrogen to crops										
			100	0						
Applicant has been issued a	cease and desist orde	r within p		No						
			-1000 pts.	-0 pts.						
Proximity to district stay are	ea		< 1 mile	1 to 2 miles	> 2 miles					
			-25 pts.	-10 pts.	-0 pts.					
Within NDEE delineated We	ellhead Protection Area	a	Yes	No						
			-100 pts.	-0 pts.						
Utilizing			Yes	No						
existing										
irrigation										
well										
			50 pts.	0 pts.						
Proposed			Yes	No						
new well										
			-500 pts.	0 pts.						Page 9

In addition to the Conditions of Variance itemized in Sections 13.12 and 15.12 of the Lower Elkhorn Natural Resources District (District), Groundwater Management Area Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act, the District will attach the following condition to all Standard and Variances approved by the District on or after September 26, 2024.

To allow for expanded use of the resource and to promote the health and welfare of the District; yet provide some protection for existing groundwater quantities, an annual groundwater allocation shall be imposed on all new irrigation wells constructed under the authorization of an approved Standard, Good Cause, and Expedited Variance. The District, through its Board of Directors, shall annually determine the allocation to be imposed as a condition of the affected Standard and/or Expedited Variance for the upcoming year. The Board may utilize whatever resources it deems appropriate when setting the allocation. Effective September 26, 2024, the annual allocation for new irrigation wells constructed under an approved Standard and Expedited Variance shall be 14 inches for each certified irrigated acre associated with the variance. Failure to comply with this requirement could result in a reduction in future groundwater allocations, penalties, or a revocation of the variance.

Minimum Soil Score (September 26, 2024)

Pursuant to Sections 13.8.5 and 15.8.5 of the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations for the enforcement of the Nebraska Groundwater Management and Protection Act, a minimum soil score of 80 (utilizing the Natural Resources Conservation Service (NRCS) National Soil Information System (NASIS) must be obtained for any Standard Variance request to qualify for consideration for approval. Any variance application that does not achieve the minimum required score shall be disqualified from consideration for approval, notwithstanding the final total score of the variance application.

Chemigation Requirement (September 26, 2024)

Pursuant to Sections 13.7.4.11 and 15.7.4.11 of the Lower Elkhorn Natural Resources District Groundwater Management Area Rules and Regulations for the enforcement of the Nebraska Groundwater Management and Protection Act, all Standard Variance applications which are awarded points for the chemigation best management practice section, and are given official approval by the LENRD Board of Directors, shall be required to obtain the required chemigation applicators certification and permit to chemigate for the land associated with the approved variance. This condition shall attach to the land and shall be actively utilized as a best management practice to apply up to a minimum of 30 percent of the annual nitrogen budget for nitrogen applications for six (6) subsequent years beginning with the first year of irrigation of the land associated with the approved variance. This requirement shall apply to lands irrigated by any new, or existing, irrigation well, and is applicable to all the land associated with the variance, regardless of the previous irrigation certification status. Failure to comply with this requirement shall result in the issuance of a cease and desist order, assessment of a penalty, reduction in groundwater allocation, or revocation of the variance.

I have read these terms and conditions. (please initial in space provided)