STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER FOR TEMPORARY STAY ON SURFACE WATER IRRIGATION APPROPRIATIONS IN THE MIDDLE NIOBRARA NATURAL RESOURCES DISTRICT

BACKGROUND

1. By letter dated June 9, 2015, the Middle Niobrara Natural Resources District (MNNRD) pursuant to *Neb. Rev. Stat. § 46-707(2)* requested the Department of Natural Resources (Department) to impose a temporary stay, to begin on June 29, 2015, on the issuance of new surface water irrigation appropriations to allow the Department and the MNNRD time to begin work on a Voluntary Integrated Management Plan.

2. The MNNRD has adopted a ground water management plan (the Plan) and designated a ground water management area (the Area) pursuant to the *Ground Water Management and Protection Act*, Chapter 46, Article 7 of the *Nebraska Revised Statutes*.

3. The MNNRD has issued a temporary stay effective June 29, 2015, on the addition of new groundwater irrigated acres. This action is authorized by *Neb. Rev. Stat.* § 46-707(2).

CONCLUSION

Imposing a temporary stay on the issuance of new surface water irrigation appropriations will allow the Department and the MNNRD time to begin work on a Voluntary Integrated Management Plan. This action is authorized by *Neb. Rev. Stat.* § 2-32,115.

ORDER

It is therefore ORDERED:

1. Effective June 29, 2015, a temporary stay shall be placed on the issuance of any new surface water appropriations for irrigation in the MNNRD's ground water management area. A copy of the boundaries of the ground water management area, which is the entire MNNRD, is attached to and incorporated in this Order.

2. Exception(s) to the stay shall include, but are not necessarily limited to:

   A. appropriations for new surface water uses to which a right or permit is transferred in accordance with state law, but the consumptive use of any such new use can be no greater than the historic consumptive use of the surface water use from which the right or permit is being transferred.

3. This stay shall remain in effect through December 25, 2015.

DEPARTMENT OF NATURAL RESOURCES

June 26, 2015

James C. Schneider, Ph.D.
Acting Director

Any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Nebraska Administrative Procedures Act* (*Neb. Rev. Stat.*, §§ 84-901 et. seq.) and the Department's *Rules of Practice and Procedure 454 Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln Office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of this order and be accompanied by a filing fee of $10.

On June 26, 2015, copies of this Order were posted on the Department's website; mailed to Justin Hammond, Chairman, Board of Directors, Middle Niobrara Natural Resources District 526 East 1st Street, Valentine, Nebraska 69201, and to the Department of Natural Resources field offices; and electronic mail to Mike Murphy, General Manager, Middle Niobrara Natural Resource District.

Nebraska
Department of Natural Resources
MAPPING SECTION

TEMPORARY STAY ON NEW SURFACE WATER APROPRIATIONS FOR IRRIGATION IN THE MIDDLE NIOBRARA NRD EFFECTIVE FROM 29 JUNE 2015 TO 26 DECEMBER 2015

N
W E
S

SOUTH DAKOTA

Sheridan County

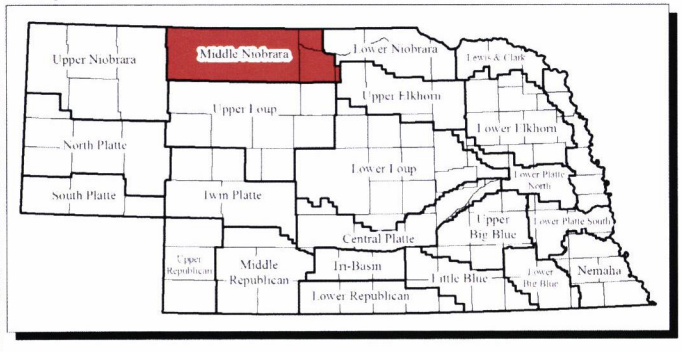
MIDDLE NIOBRARA NRD

Keya Paha County

Cherry County

Brown County

Rock County



Stay Area
NRD Boundary
County Boundary

5 0 5 10 15 20
Miles

19311

Contact the Nebraska DNR office regarding potential exceptions to surface water stays or moratoriums

Map Produced by Daniel Kloch - 23 June 2015