

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE NORTH PLATTE NATURAL RESOURCES DISTRICT
INTEGRATED MANAGEMENT PLAN AND ASSOCIATED SURFACE WATER
CONTROLS

Background

1. The Department of Natural Resources (Department) and the North Platte Natural Resources District (District) jointly adopted an integrated management plan (IMP) in August 13, 2009, in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev. Stat.* §§ 46-715, 46-717, 46-718, and 46-720. The 2009 IMP contained the following required elements agreed upon by both the District and Department: (a) goals and objectives of the IMP for the affected river basin, subbasin, or reach; (b) geographic area subject to the controls; (c) surface water controls that are adopted and implemented by the Department and the groundwater controls adopted and implemented by the District through the District's Ground Water Management Area Rules and Regulations; and (d) incentive programs for adoption and implementation in the river basin, subbasin, or reach.
2. On March 7, 2013, the District and Department reached agreement to modify the IMP to include the addition of language, pursuant to *Neb. Rev. Stat.* §§ 2-3225 and 2-3226 with modifications to the District's allocation period. No additional modifications to the IMP were sought.
3. Pursuant to *Neb. Rev. Stat.* § 46-743, the Department and District published a joint notice of hearing for the revised IMP.
4. On April 4, 2013, a public hearing was held on the proposed revisions to the IMP.
5. The Department consulted with the Nebraska Game and Parks Commission (Commission), in accordance with *Neb. Rev. Stat.* § 37-807. As stated in the Commission's response letter received on April 16, 2013, the Commission determined that the adoption of the proposed IMP would have no adverse effect on threatened and endangered species or their habitat.
6. After considering testimony provided at the hearing on April 4, 2013, the Department and District exchanged letters on April 12 and April 15, 2013, agreeing to adopt the proposed IMP.

Continuation of Surface Water Controls

The following surface water controls, unmodified from the 2009 IMP, will remain effective within the North Platte Natural Resources District Integrated Management Plan:

1. The Department will continue the moratorium on new surface water appropriations in the portion of the Platte River Basin within the boundaries of the District. Variances may be granted by the Department in accordance with Department Rules and Regulations.
2. Any transfers of surface water appropriations will be in accordance with state statute and Department Rules and Regulations.
3. Surface water appropriations will continue to be administered according to the provisions of the permit, state statute, Department Rules and Regulations, and any applicable interstate compact, decree, or agreement.
4. Surface water use will continue to be monitored to ensure that unauthorized use is not occurring.
5. The Department will not require surface water appropriators to apply or use conservation measures. If the Department in the future requires surface water appropriators to apply or use conservation measures, in accordance with *Neb. Rev. Stat. § 46-716(2)*, the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eighty (180) days unless extended by the Department to identify conservation measures to be applied or used and to develop a schedule for such application and utilization.
6. The Department will not require any other reasonable restrictions on surface water use. If the Department in the future requires other restrictions on surface water use, such restrictions must be consistent with the intent of *Neb. Rev. Stat. § 46-715* and the requirements of *Neb. Rev. Stat. § 46-231*. If the Department, in the future, requires other restrictions on surface water use, in accordance with *Neb. Rev. Stat. § 46-716(2)*, the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eight (180) days unless extended by the Department, to comment on the proposed restrictions.

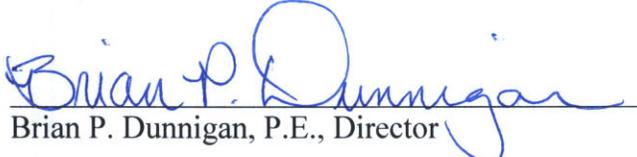
Order

It is therefore ORDERED that the Integrated Management Plan for the North Platte Natural Resources District presented at the April 4, 2013, hearing and the surface water controls included

in the plan are hereby adopted and will become effective on May 11, 2013; thus superseding the August 13, 2009, North Platte Natural Resources District Integrated Management Plan Order by the Department.

DEPARTMENT OF NATURAL RESOURCES

April 16, 2013


Brian P. Dunnigan, P.E., Director

Any person with sufficient legal interest who has been or may be substantially affected by the Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (*Neb. Rev. Stat. § 84-0901 et. seq.*) and the Department's Rules of Practice and Procedure (*454 Neb. Admin. Code Chapter 007*). The request must be received by the Department at its Lincoln Office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 68509-4676) within 15 days of the date of this Order and be accompanied by a filing fee of \$10.00.

On April 16, 2013, a copy of this Order was posted on the Department's website and mailed to Ron Cacek, General Manager, North Platte Natural Resources District, 100547 Airport Road, PO Box 280, Scottsbluff, Nebraska 69363-0280, and the Department of Natural Resources field offices.