

NOTICE TO THE PUBLIC
AND TO THE LOWER REPUBLICAN
NATURAL RESOURCE DISTRICT
OF FULLY APPROPRIATED AREAS
AND APPLICABLE STAYS

Pursuant to Section 54, LB 962 (2004 Nebraska Legislature) the Department of Natural Resources (“Department”) hereby provides notice that the Department, in accordance with Sections 53 and 60 of LB 962:

- 1) Has made a final determination that the Lower Republican Natural Resource District (the “NRD”) is “fully appropriated,” in its entirety;
- 2) Has made a determination that it is necessary to include additional area beyond the geographic area subject to the NRD’s temporary suspension in the area subject to the stays that take effect pursuant to this Notice because ground water and surface water are hydrologically connected in such additional area; and
- 3) That because of such determinations, stays on new uses of surface water and ground water have or will take effect as described below.

The Department has placed an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in that area of the NRD previously subject to a temporary suspension of well construction that took effect December 9, 2002. On receipt of this notice from the Department by the NRD, there shall be a stay on the issuance of water well construction permits in all parts of the NRD, including the land area generally North and East of Guide Rock that was not previously subject to the temporary suspension of well construction that took effect on December 9, 2003. Stays shall also be imposed in all of the NRD, pursuant to the director’s determination described in item 2, above, (a) on the construction of certain new water wells unless such construction has commenced prior to the effective date of that stay or a still valid construction permit for such water well has been previously obtained from the NRD, and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in all of the NRD, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays

will be effective on July 26, 2004, which will be the date ten days after the Department's first newspaper publication, in the Omaha World Herald, of the notice of the full appropriation determination and of such stays.

For further information regarding the Department's determination, the exact geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department's web site, at <http://www.dnr.state.ne.us>, and/or the NRD.

The stays shall remain in effect until (a) they are terminated pursuant to LB 962, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of LB 962.