

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ORDER ADOPTING
MIDDLE NIOBRARA NATURAL RESOURCES DISTRICT AND
DEPARTMENT OF NATURAL RESOURCES
JOINTLY DEVELOPED VOLUNTARY INTEGRATED MANAGEMENT PLAN
AND ASSOCIATED SURFACE WATER CONTROLS

In accordance with *Neb. Rev. Stat. § 46-744*, notice is hereby given that the Nebraska Department of Natural Resources (NeDNR) on October 5, 2022, issued an order adopting the amended voluntary Integrated Management Plan (IMP) jointly developed by the NeDNR and Middle Niobrara Natural Resources District (District) along with the associated surface water controls contained within the IMP. The amendment was to the IMP's groundwater control only, and changes were made to any other part of the IMP. The IMP will be effective October 27, 2022.

The surface water controls included in the voluntary IMP remain as follows:

1. Surface Water Control Area 1 (Niobrara basin)

a. Restriction on addition of surface water irrigated acres:

NeDNR will restrict development of surface water irrigation based upon the amount of stream depletion to streams in the Niobrara River Basin resulting from newly permitted groundwater irrigation development. NeDNR will calculate additional stream depletion amounts due to new permitted groundwater irrigation development in a given year based on data provided by the District and will restrict additional stream depletion from surface water irrigation to no more than that level of depletion in the same year. The District will notify NeDNR within 30 days of its planned approval of groundwater development and will provide the necessary data – including legal description (section, township, and range) and number of acres irrigated – to NeDNR on all new groundwater irrigation by October 31. NeDNR will notify the District of all surface water appropriations as they are approved, including information on the location and number of acres

2. Surface Water Control Area 2 (Loup River basin)

a. Restriction on addition of surface water irrigated acres:

NeDNR will restrict development of surface water irrigation based upon the amount of stream depletion to streams in the Loup River Basin resulting from newly permitted groundwater irrigation development. NeDNR will calculate additional stream depletion amounts due to new permitted groundwater irrigation development in a given year based on data provided by the District and will restrict additional stream depletion from surface water irrigation by up to the same amount in the same year. The District will notify NeDNR within 30 days of its planned approval of groundwater development and will provide the necessary data – including legal description (section, township, and range) and number of acres

irrigated – to NeDNR on all new groundwater irrigation by October 31. NeDNR will notify the District of all surface water appropriations as they are approved, including information on the location and number of acres irrigated.

3. Surface Water Control Area 3 (Elkhorn River basin)

a. Restriction on addition of surface water irrigated acres:

NeDNR will restrict development of surface water irrigation based upon the amount of stream depletion to streams in the Elkhorn River basin resulting from newly permitted groundwater irrigation development. NeDNR will calculate additional stream depletion amounts due to new permitted groundwater irrigation development in a given year based on data provided by the District and will restrict additional stream depletion from surface water irrigation by up to the same amount in the same year. The District will notify NeDNR within 30 days of its planned approval of groundwater development and will provide the necessary data – including legal description (section, township, and range) and number of acres irrigated – to NeDNR on all new groundwater irrigation by October 31. NeDNR will notify the District of all surface water appropriations as they are approved, including information on the location and number of acres irrigated.

4. Surface Water Control Area 4 (White River basin)

a. Restriction on addition of surface water irrigated acres:

NeDNR has, since 2004, had a moratorium in place in this basin on the development of surface water irrigation. This moratorium will not be renewed as part of this IMP.

NeDNR will restrict development of surface water irrigation based upon the amount of stream depletion to streams in the White River Basin resulting from newly permitted groundwater irrigation development allowed by the NRD. NeDNR will calculate additional stream depletion amounts due to new permitted groundwater irrigation development in a given year based on data provided by the District and will restrict additional stream depletion from surface water irrigation by up to the same amount in the same year. The District will notify NeDNR within 30 days of its planned approval of groundwater development and will provide the necessary data – including legal description (section, township, and range) and number of acres irrigated – to NeDNR on all new groundwater irrigation by October 31. NeDNR will notify the District of all surface water appropriations as they are approved, including information on the location and number of acres irrigated.

The full text of the IMP and associated surface water controls and Order are available on the Department's website at <https://dnr.nebraska.gov> or by submitting a request to the Department, 245 Fallbrook, Suite 201, Lincoln, NE 68521-6729, (402) 471-2363, or to the District at 303 East Highway 20, Valentine, NE 69201, (402) 376-3241.