

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE JOINTLY DEVELOPED VOLUNTARY INTEGRATED MANAGEMENT
PLAN AND ASSOCIATED SURFACE WATER CONTROLS FOR THE LOWER BIG BLUE
NATURAL RESOURCES DISTRICT

BACKGROUND

1. On July 29, 2016, the Lower Big Blue Natural Resources District (District) submitted a letter of intent to the Nebraska Department of Natural Resources (Department) to develop a voluntary Integrated Management Plan (IMP). On August 24, 2016, the Department submitted a letter to the District, agreeing with the intent to jointly develop a voluntary IMP with the District.
2. The Department and the District consulted with a Stakeholder Advisory Committee (Committee) on development of the voluntary IMP. The Committee consisted of the statutorily required members, as well as additional members who indicated interest in serving on the Committee. Through this process of consultation, the Department and the District jointly developed a voluntary IMP in accordance with the Ground Water Management and Protection Act (the Act), particularly, Neb. Rev. Stat. §§ 46-715, 46-716, 46-717, and 46-718.
3. The Department and the District considered whether the voluntary IMP would affect the State's ability to comply with the Big Blue River Compact (Compact) with Kansas. The Department and the District concluded that the voluntary IMP, its goals, objectives, and groundwater and surface water controls are sufficient to ensure the State's compliance with the Compact.
4. On October 28, 2021, the District Board of Directors reached agreement on the voluntary IMP, including: (a) the proposed goals and objectives, (b) the proposed geographic area, and (c) the proposed surface water and groundwater controls.
5. On December 6, 2021, the District submitted a letter to the Department recommending that a hearing be held to take testimony on the proposed voluntary IMP. On December 15, 2021, the Department responded to the District's request and a hearing was scheduled.
6. The Department consulted with the Nebraska Game and Parks Commission (Commission) in accordance with Neb. Rev. Stat. § 37-807 (3). As stated in the Commission's response letter dated February 3, 2022, the Commission acknowledges that the overall concepts of the voluntary IMP are not anticipated to have an impact on State-listed endangered or threatened species. Since certain aspects and details of the voluntary IMP cannot be clearly outlined at this time, the Commission recommends continued coordination with Commission staff as the voluntary IMP is carried forward to ensure it will not result in adverse impacts to any State-listed

endangered or threatened species within the District or other river basins within the State.

7. On January 27, 2022, pursuant to notices duly published in accordance with Neb. Rev. Stat. § 46-743 (2), the Department and the District jointly held a public hearing in Beatrice, Nebraska on the proposed voluntary IMP. At the hearing, no public testimony was submitted.
8. Following the public hearing, the Department and District agreed to adopt the voluntary IMP with one editorial revision. The revision did not consist of any modifications to the proposed goals and objectives, geographic area, or the surface water and groundwater controls of the voluntary IMP.
9. On February 17, 2022, the District's Board of Directors voted to adopt the proposed voluntary IMP and associated groundwater controls.
10. On March 7, 2022, the Department sent a letter to the District agreeing to adopt the proposed voluntary IMP and associated surface water controls.
11. The Department complied with all publication requirements for this order pursuant to Neb. Rev. Stat. § 46-744.

SURFACE WATER CONTROLS ADOPTED

The surface water controls included in the voluntary IMP, for the IMP area (Attachment A), are as follows:

1. The Department will require measuring devices on any new high-capacity surface water irrigators. The Department will require measuring devices on new surface water appropriations in excess of 50 gallons per minute.
2. The Department will continue to enforce the administration of surface water controls. The Department will utilize existing records to monitor the use of surface water and to make sure that unauthorized irrigation is not occurring. The Department will also be proactive in initiating subsequent adjudications whenever information available to the Department indicates the need for adjudication as outlined by state statutes.

ORDER

It is therefore ORDERED that the voluntary Integrated Management Plan for the Lower Big Blue Natural Resources District and its associated surface water controls are HEREBY ADOPTED by the Department and will become effective on April 6, 2022.

DEPARTMENT OF NATURAL RESOURCES

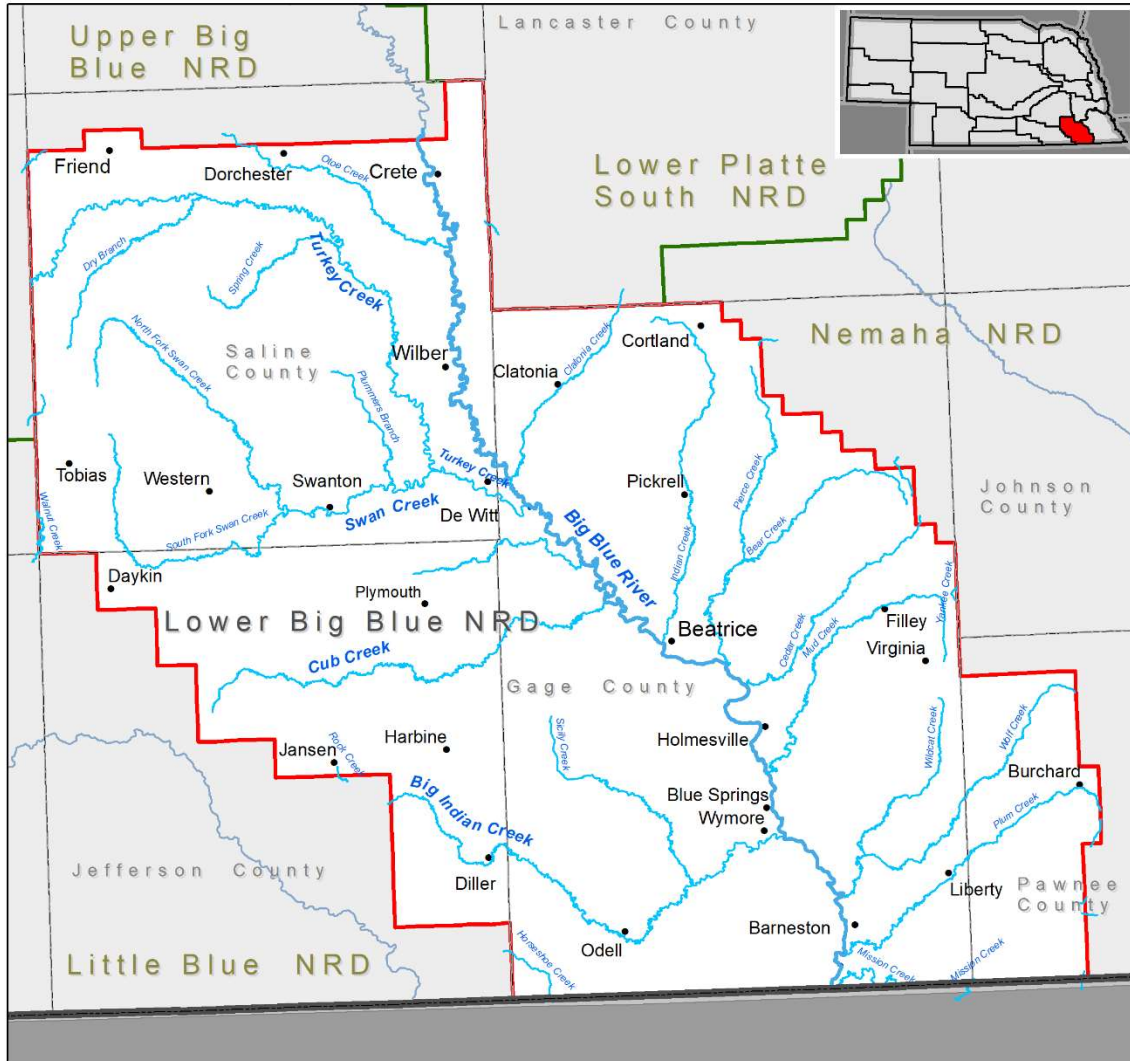
March 14, 2022



Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website at dnr.nebraska.gov; mailed to Jason Pohlmann, Board Chair, Lower Big Blue NRD, 805 Dorsey St, P.O. Box 826, Beatrice, NE 68310-0826; Scott Sobotka, General Manager, Lower Big Blue NRD, 805 Dorsey St, P.O. Box 826, Beatrice, NE 68310-0826; and provided to the Department of Natural Resources Lincoln Field Office. As of March 14, 2022, a copy of the adopted voluntary IMP is located on the Department's website at dnr.nebraska.gov.

Lower Big Blue NRD Voluntary IMP Surface Water Control Area



NEBRASKA
 Good Life. Great Water.
 DEPT. OF NATURAL RESOURCES

River	County	NRD
Streams	IMP Surface Water Control Area	State Boundary
City/Village	LBBNRD_boundary	Surrounding States

Map by NeDNR 7/16/2021 bae