

STATE OF NEBRASKA

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE JOINTLY DEVELOPED VOLUNTARY INTEGRATED MANAGEMENT PLAN AND ASSOCIATED SURFACE WATER CONTROLS FOR THE TRI-BASIN NATURAL RESOURCES DISTRICT, LITTLE BLUE RIVER BASIN PORTION

BACKGROUND

1. On August 19, 2015, the Tri-Basin 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) for the Little Blue River Basin portion of the District. On September 11, 2015, the Department submitted a letter to the District, agreeing with the intent to jointly develop a voluntary IMP with the District, for the Little Blue River Basin portion of 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 and 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 under the Compact.
4. On February 6, 2020, the Department and the District reached agreement on the voluntary IMP, including: (a) the proposed goals and objectives, (b) the proposed geographic areas, and (c) the proposed surface water and groundwater controls. The voluntary IMP's geographic area encompasses the Little Blue River Basin portion of the District (Attachment A).
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 dated February 10, 2020, the Commission determined that the adoption of the proposed voluntary IMP would have no adverse effect on threatened and endangered species or their habitat.

6. On February 11, 2020, pursuant to notices published in accordance with *Neb. Rev. Stat.* § 46-743(2), the Department and the District jointly held a public hearing in Holdrege, Nebraska on the proposed voluntary IMP. Formal oral testimony by one member of the public was received.
7. Following the public hearing, the Department and District jointly considered the testimony and jointly agreed to adopt the voluntary IMP with no revisions.
8. On March 10, 2020, the District's Board of Directors adopted the proposed voluntary IMP and associated groundwater controls.
9. On March 12, 2020, the Department sent a letter to the District agreeing to adopt the proposed voluntary IMP and associated surface water controls.
10. The Department met all publication requirements for this Order pursuant to *Neb. Rev. Stat.* § 46-744.

SURFACE WATER CONTROLS ADOPTED

1. The surface water controls included in the voluntary IMP for the IMP's geographic area (Attachment A) are as follows:
 - A. The Department will continue to assess surface water irrigation appropriations in the Little Blue Basin, investigate their use, and initiate an adjudication process through preliminary determinations of non-use;
 - B. The Department will continue to enforce Nebraska Statutes and Department Rules and Regulations, as these pertain to surface water appropriations;
 - C. The Department will continue to evaluate proposed transfers of surface water appropriations, in accordance with Nebraska Statutes and Department Rules and Regulations;
 - D. The Department will require metered measuring devices on all new high capacity (greater than 50 gallons per minute) surface water irrigation uses. All measuring devices shall meet Department standards for installation, accuracy, and maintenance; and
 - E. The Department will institute mandatory reporting for all high-capacity (greater than 50 gallons per minute) surface water irrigation uses when a water availability trigger is met. The trigger is 24 average days of closure for surface water administration, between the period of July 1 and August 31. The average days of closure will be calculated using the past 20 years of records for surface water administration. For more details on this

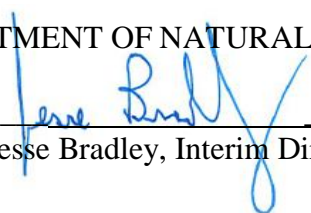
trigger, please see Appendix D in the IMP. Department reserves the right to institute mandatory reporting prior to the trigger being met, if deemed appropriate.

ORDER

It is therefore ORDERED that the voluntary Integrated Management Plan, *jointly developed by the Tri-Basin Natural Resources District and the Nebraska Department of Natural Resources*, and the surface water controls in the plan are hereby ADOPTED by the Department and will become effective on **April 15, 2020**.

DEPARTMENT OF NATURAL RESOURCES

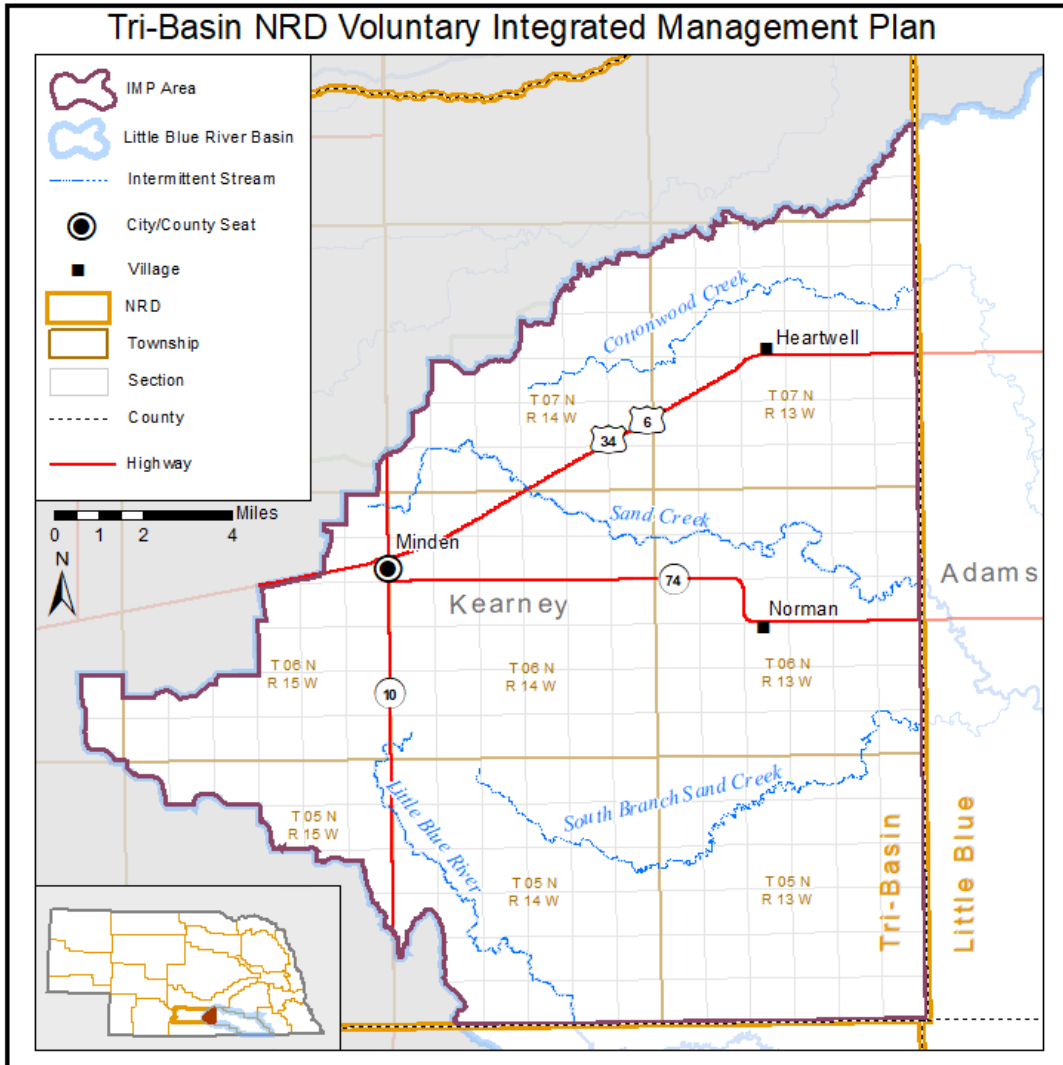
March 12, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website at dnr.nebraska.gov. Copies of this Order were provided to the Department's field offices in Lincoln and Cambridge, Nebraska. A copy of this Order was mailed to Bradley Lundeen, Board Chair, Tri-Basin NRD, 1723 Burlington Street, Holdrege, NE 68949.

ATTACHMENT A: Map of the Voluntary IMP Area



Order adopting the TBNRD (Little Blue River Basin portion) voluntary IMP and associated surface water controls.