

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING LOWER LOUP NATURAL RESOURCES DISTRICT INTEGRATED MANAGEMENT

PLAN AND ASSOCIATED SURFACE WATER CONTROL

BACKGROUND

1. On February 25, 2016, the Lower Loup Natural Resources District (District) submitted a letter of intent to develop a voluntary Integrated Management Plan (IMP) to the Nebraska Department of Natural Resources (Department).
2. The Department and the District consulted on the development of the voluntary IMP with a group of stakeholders. The stakeholder group consisted of the statutorily required and other entities that were identified by the Department and the District to be included in the group. 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 reached agreement on (a) the proposed goals and objectives of the voluntary IMP, (b) the proposed geographic area to be subject to the controls of the voluntary IMP, and (c) the surface water control and groundwater control that are proposed for adoption and implementation of the voluntary IMP.
4. On March 24, 2016, pursuant to notices duly published in accordance with *Neb. Rev. Stat.* § 46-743, the Department and the District jointly held a public hearing in Ord, NE on the proposed voluntary IMP.
5. Subsequent to the hearing on March 24, 2016, the Department and the District reviewed the testimony and jointly agreed to adopt and implement the proposed IMP with only minor revisions. Those revisions did not consist of any modifications to the goals and objectives of the voluntary IMP, or the surface water control and groundwater control proposed for adoption and implementation in the IMP, and did not include any geographic area that was not identified in the notice of hearing as presented in the draft version of the IMP.
6. On March 24, 2016, the District adopted the proposed IMP and affirmed the use of a groundwater control necessary for implementing the IMP.
7. On May 9, 2016, the Department sent the District a letter agreeing to adopt the proposed IMP and a surface water control.

CONTROLS ADOPTED

1. The surface water control included in the IMP is as follows:

The Department will establish an annual limit on the expansion of surface water-irrigated acres. The limit on the expansion of surface water-irrigated acres shall be a maximum of one-third of the amount the District will allow for the expansion of groundwater-irrigated acres. The Department will utilize the number of additional groundwater irrigated acres in place in the IMP area as of January 1 of each year for determining the number of additional surface water irrigated acres for each calendar year. The limit established on the expansion of surface water irrigated acres is for agricultural production land irrigated from a new surface water appropriation and does not include other types of irrigation use, municipal use, or industrial use. In addition, should the District issue a moratorium on any increase in groundwater-irrigated acres, the Department will issue a similar moratorium to limit development of additional acres for surface water irrigation.

ORDER

It is therefore ORDERED that the voluntary integrated management plan for the Lower Loup Natural Resources District and the surface water control in the plan are hereby adopted by the Department and will become effective on June 8, 2016.

DEPARTMENT OF NATURAL RESOURCES

May 9, 2016

  
Gordon W. Fassetz, P.E., Director

Any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (*Neb. Rev. Stat.* §§ 84-901 et. seq.) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of this Order and be accompanied by a filing fee of \$10.00.

On May 9, 2016, a copy of this Order was posted on the Department's website and mailed to Leon Koehlmoos, General Manager, Lower Loup Natural Resources District, 2620 Airport Drive, Ord, NE 68862; and to the Department of Natural Resources field offices.