

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT
INTEGRATED MANAGEMENT PLAN AND ASSOCIATED SURFACE WATER
CONTROLS

BACKGROUND

1. On November 19, 2010, the Lower Platte South Natural Resources District (District) submitted to the Nebraska Department of Natural Resources (Department) a letter of intent to develop a voluntary Integrated Management Plan (IMP).
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 and groundwater controls that are proposed for adoption and implementation of the voluntary IMP.
4. On February 19, 2014, pursuant to notices duly published in accordance with *Neb. Rev. Stat.* § 46-743, the Department and the District jointly held a public hearing in Lincoln, Nebraska, on the proposed voluntary IMP.
5. Following the public hearing, the Department and the District reviewed the testimony and agreed to make minor revisions to the IMP. Those revisions did not consist of any modifications to the goals and objectives of the voluntary IMP, proposed geographic area subject to the controls of the voluntary IMP, or the surface water and groundwater controls proposed for adoption and implementation in the IMP.
6. On March 19, 2014, the District adopted the proposed IMP and affirmed the use of groundwater controls necessary for implementing the IMP.
7. On April 14, 2014, the Department sent the District a letter agreeing to adopt the proposed IMP and surface water controls.

CONTROLS ADOPTED

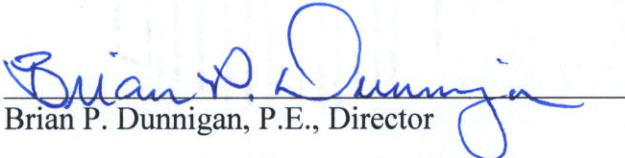
1. The surface water controls included in the IMP are as follows:
 - A. The Department will continue to map and track surface water irrigated acres. The Department will also continue to require that project maps are submitted and approved prior to obtaining a surface water permit.
 - B. Should the District 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. Should the District issue a restriction on the number of additional acres irrigated from groundwater, the Department will issue a similar restriction on the development of additional acres for surface water irrigation. The restrictions will be implemented in the surface water area that drains into the hydrologically connected groundwater and surface water areas, and will be equal to 1/3 of the amount that the District will allow for groundwater irrigated acres. The Department will utilize the District's number of additional groundwater irrigated acres as of January 1st of each year for determining the number of additional acres for surface water irrigation in each calendar year.
 - C. A voluntary reporting program will be implemented by the Department for surface water irrigation permit holders in the District aimed at identifying the quantity of water pumped, the acres irrigated, and the type of irrigation system (i.e., gravity, pivot, etc.) used. Additionally, the Department will continue to evaluate the necessity for mandatory installation of water flow meters on all surface water pumps for irrigation, industrial and municipal uses.
 - D. All proposed transfers of surface water rights shall be subject to the criteria for such transfers found in *Neb. Rev. Stat.* §§ 46-290 to 46-294.04 and related Department rules or the criteria found in *Neb. Rev. Stat.* §§ 46-2,120 to 46-2,130 and related Department rules. Should a moratorium be placed on new surface water appropriations in the District, the Department may grant a variance from the moratorium on a case-by-case basis, following the Department's rules and procedures.

ORDER

It is therefore ORDERED that the voluntary Integrated Management Plan for the Lower Platte South Natural Resources District and the surface water controls in the plan are hereby adopted by the Department and will become effective on May 15, 2014.

DEPARTMENT OF NATURAL RESOURCES

April 18, 2014


Brian P. Dunnigan, 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 Title 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th 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 April 18, 2014, a copy of this Order was posted on the Department's website and mailed to Glenn Johnson, General Manager, Lower Platte South Natural Resources District, 3125 Portia Street, PO Box 83581, Lincoln, NE 68501-3581; and to the Department of Natural Resources field offices.