

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

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

BACKGROUND

1. On March 10, 2017, the Nemaha 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 March 20, 2017, 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. On February 10, 2022, 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.
4. On March 10, 2022, the District submitted a letter to the Department recommending that a hearing be held to take testimony on the proposed voluntary IMP. On March 11, 2022, the Department responded to the District's request and a hearing was scheduled.
5. 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 22, 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.
6. On April 14, 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 Tecumseh, Nebraska on the proposed voluntary IMP. At the hearing, no public testimony was submitted.

7. Following the public hearing, the Department and District agreed to adopt the voluntary IMP as is.
8. On April 14, 2022, the District's Board of Directors voted to adopt the proposed voluntary IMP and associated groundwater controls.
9. On April 20, 2022, the Department sent a letter to the District agreeing to adopt the proposed voluntary IMP and associated surface water controls.
10. 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 Nemaha Natural Resources District and its associated surface water controls are HEREBY ADOPTED by the Department and will become effective on May 20, 2022.

DEPARTMENT OF NATURAL RESOURCES

April 20, 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 Doug Iske, Board Chair, Nemaha NRD, 62161 Hwy 136, Tecumseh, NE 68450; Kyle Hauschild, General Manager, Nemaha NRD, 62161 Hwy 136, Tecumseh, NE 68450; and provided to the Department of Natural Resources Lincoln Field Office. As of April 20, 2022, a copy of the adopted voluntary IMP is located on the Department's website at dnr.nebraska.gov.

