

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER ADOPTING THE SECOND-GENERATION TRI-BASIN NATURAL RESOURCES DISTRICT INTEGRATED MANAGEMENT PLAN FOR THOSE PORTIONS OF THE TRI-BASIN NRD LOCATED WITHIN THE REPUBLICAN RIVER BASIN AND ASSOCIATED SURFACE WATER CONTROLS

BACKGROUND

1. The Tri-Basin Natural Resources District (District) and the Department of Water, Energy, and Environment (Department) jointly developed the first-generation Integrated Management Plan (IMP) in accordance with Neb. Rev. Stat. §§ 46-715 to 46-718, and 46-720, with an effective date of July 1, 2012.
2. The District and the Department consulted and collaborated on the development of the second-generation IMP with a group of stakeholders from 2021 to 2026. The stakeholder group consisted of the statutorily required entities pursuant to Neb. Rev. Stat. § 46-717(2) and other entities identified by the District and the Department. A final stakeholder meeting was conducted on February 4, 2026. Through this process of consultation and collaboration, the District and the Department jointly developed an IMP in accordance with the Ground Water Management and Protection Act (Act), particularly Neb. Rev. Stat. §§ 46-715, to 46-718, and 46-720.
3. The District and Department made non-substantive changes to the language of the surface water controls from the first-generation IMP, and adopted a new surface water control, which is listed as surface water control #6 in this Order.
4. The stakeholder group, the District, and the Department reached agreement on (1) the proposed goals and objectives of the IMP, (2) the proposed geographic area to be subject to the controls, (3) the surface water controls, to be implemented by the Department, (4) the groundwater controls, which are to be adopted and implemented by the Tri-Basin NRD through the Tri-Basin NRD Rules and Regulations, and (5) incentive programs that are proposed for adoption and implementation. Letters acknowledging the agreement were exchanged between the District and the Department.
5. The Department consulted with the Nebraska Game and Parks Commission (NGPC) in accordance with Neb. Rev. Stat. § 37-807(3). As stated in its January 27, 2026 response, NGPC determined that the adoption of the proposed second-generation IMP would have no adverse effect on threatened and endangered species or their habitat.
6. On February 4, 2026, pursuant to notices published in accordance with Neb. Rev. Stat. § 46-743(2), the District and the Department jointly held a public hearing in Holdrege, Nebraska on the proposed second-generation IMP.

7. Following the hearing, the Department and the District jointly considered testimony and exhibits provided and jointly agreed to adopt and implement the proposed second-generation IMP with minor revisions. One modification included changing “groundwater elevation” to “groundwater levels” in Chapter II. The remaining revisions were non-substantive modifications which did not affect the goals and objectives of the IMP, the surface water controls and groundwater controls proposed for adoption and implementation of the IMP, and did not include any geographic area that was not identified in the notice of hearing as presented in the draft IMP.
8. On March 18, 2026, the District’s Board of Directors adopted the proposed second-generation IMP and associated groundwater controls.
9. On March 26, 2026, the Department sent a letter to the District agreeing to adopt the proposed second-generation IMP and associated surface water controls.
10. The District and Department met all publication requirements for this Order pursuant to Neb. Rev. Stat. § 46-744.

SURFACE WATER CONTROLS ADOPTED

1. Metering of all surface water diversions at the point of diversion from the stream will continue to be required. For surface water canals that are not part of a U.S. Bureau of Reclamation project, farm turnouts also will be required to be metered. All meters shall have a totalizer and need to be approved by the Department’s Cambridge field office. All appropriators will be monitored closely to ensure that all criteria pertinent to the applicable permit or by statute are followed.
2. The Department’s moratorium on the issuance of new surface water permits was made formal by Order of the Director dated July 14, 2004, and will be continued. Exceptions and variances may be granted to the extent permitted by statute, rules, or to allow issuance of permits for existing reservoirs that currently do not have such permits.
3. All proposed transfers of surface water rights shall be subject to the criteria for such transfers as 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.
4. The Department completed the adjudication process for individual appropriators in the Republican River Basin upstream of Guide Rock, NE in 2004. The results of that adjudication provided up-to-date records of the number and location of acres irrigated with surface water by such appropriators. Those records will be used by the Department to monitor the use of surface water and to make sure that unauthorized irrigation is not occurring. The Department also will be proactive in initiating subsequent adjudications whenever information available to the Department indicates the need for adjudication as outlined by state statutes and applicable rules.

5. During Compact Call Years, as determined through the forecast set forth in Neb. Rev. Stat. § 46-715(6), the Department will regulate and administer surface water in the basin as necessary to ensure Compact compliance.
6. Permitted actions authorized by the Department will include information on the location, estimated amount, and timing of depletions caused by each permitted new or expanded water use, as well as the associated offset and the location, estimated amount, and timing of the offset's accretions to the river.

ORDER

It is hereby ORDERED that the *Second-Generation Integrated Management Plan For those portions of Tri-Basin NRD located within the Republican River Basin Jointly Developed and Administered by Tri-Basin Natural Resources District and the Nebraska Department of Water, Energy, and Environment*, and the controls in the IMP are hereby ADOPTED by the Department and will become effective on **May 8th, 2026**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



April 1, 2026

Matthew Manning, P.E., J.D,
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's field office in Cambridge, Nebraska. A copy of this Order was provided on April 2, 2026, to the following:

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