

INTEGRATED MANAGEMENT PLAN
Jointly Developed by the
Central Platte Natural Resources District and the
Nebraska Department of Natural Resources



215 Kaufman Avenue
Grand Island, NE 68803
308-385-6282
cpnrd.org



DEPT. OF NATURAL RESOURCES

301 Centennial Mall South
Lincoln, NE 68509
402-471-2363
dnr.nebraska.gov

Table of Contents

1.0	EFFECTIVE DATE	1
2.0	AUTHORITY	1
3.0	BACKGROUND	1
4.0	MAPS AND MANAGEMENT AREA BOUNDARIES	2
5.0	VISION	4
6.0	FUNDING	5
7.0	SCIENCE AND METHODS	6
7.1	Best Available Science, Methods, Data, and Tools Used in the First Increment	6
7.2	Best Available Science, Methods, Data, and Tools to Be Used in Ongoing Increments	7
7.3	Information Considered in Developing this IMP	9
8.0	FIRST INCREMENT ACCOMPLISHMENTS	10
8.1	Studies Conducted and Information Obtained in the First Increment	10
8.2	Summary of Management Actions in the First Increment	14
8.3	Assessment of the First Increment (2019 Robust Review)	15
8.4	Assessment of Fully Appropriated	18
8.5	Basin-Wide Coordination in the First Increment	23
9.0	GOALS AND OBJECTIVES	24
	Goal 1 Reach and Maintain a Fully Appropriated Condition	24
	Goal 2 Interstate Compliance	31
	Goal 3 Consistency, Communication, and Updates	31
10.0	ACTION ITEMS	32
10.1	Information and Education Programs	32
10.2	Incentive Programs	33
10.3	Water Banking	34
10.4	Conjunctive Management	35
10.5	Drought Planning	37
10.6	Controls and Triggers	37
10.7	Monitoring and Evaluation	52
10.8	Studies to be Completed in the Current Increment	60
10.9	Review and Modification of the IMP	61

List of Appendices

- APPENDIX A – Glossary of Terms
- APPENDIX B – Exchange Letters Between CPNRD and NeDNR
- APPENDIX C – Stakeholder Advisory Committee Process, Members, and Meeting Dates
- APPENDIX D – Order Declaring Formal Moratoriums in the Matter of the Platte River Basin above the Mouth of the Loup River, the North Platte River Basin, and the South Platte River Basin, et al. Dated July 14, 2004
- APPENDIX E – Order Designating Overappropriated River Basins, Subbasins, or Reaches, and Describing Hydrologically Connected Geographic Area, in the Matter of the Platte River Basin upstream of the Kearney Canal Diversion, the North Platte River Basin, and the South Platte River Basin. Dated September 15, 2004
- APPENDIX F – Order of Final Determination of River Basins, Subbasins, or Reaches as Fully Appropriated, and Describing Hydrologically Connected Geographic Area, in the Matter of the Portion of the Platte River Basin Upstream of the Loup River Confluence, the North Platte River Basin, and the South Platte River Basin within the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District. Dated September 30, 2004

List of Figures

- Figure 1** – Map: Fully Appropriated Area and Entire Geographic Area of CPNRD **3**
- Figure 2** – Map: Overappropriated Area of CPNRD **3**
- Figure 3** – Map: Upper Platte River Surface Water Basin of CPNRD **4**
- Figure 4** – Map: Stream Reaches **16**
- Figure 5** – Graph: Robust Review Modeled Impacts to Platte River Upstream of Elm Creek **17**
- Figure 6** – Graph: Robust Review Modeled Impacts to Platte River Between Elm Creek and Chapman **17**
- Figure 7** – Graph: Total Depletion Modeled Impacts to the Platte River Upstream of Elm Creek **19**
- Figure 8** – Graph: Annual Basin-Wide Water Supply Before Any Human Use Occurs **22**
- Figure 9** – Graph: Annual Basin-Wide Total Surface Water and Groundwater Demands **22**
- Figure 10** – Graph: Annual Basin-Wide Total Water Balance **22**
- Figure 11** – Diagram: Timeline Showing Indicator, Triggers, and Robust Review **46**

List of Tables

Table 1 – Short-Term Target Depletions Upstream of Elm Creek	28
Table 2 – Long-Term Target Depletions Upstream of Elm Creek	29
Table 3 – Short-Term Target Accretions Between Elm Creek and Chapman	31
Table 4 – Long-Term Target Accretions Between Elm Creek and Chapman	32

Table of Acronyms and Abbreviations

AF	Acre-Feet or Acre-Foot
COHYST	Cooperative Hydrology Study
CPNRD	Central Platte Natural Resources District
EQIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
ET	evapotranspiration
ILCA	Interlocal Cooperative Agreement
IMP	Integrated Management Plan
INSIGHT	Integrated Network of Scientific Information and GeoHydrologic Tools
M&I	Municipal and Industrial
<i>Neb. Rev. Stat.</i>	Nebraska Revised Statutes
NeDNR	Nebraska Department of Natural Resources
NET	Nebraska Environmental Trust
NNPD	Nebraska New Depletion Plan
NRCS	Natural Resources Conservation Service
NRD	Natural Resources District
PBC	Platte Basin Coalition
post-1997	Refers to water uses initiated or expanded on or after July 1, 1997
PRRIP	Platte River Recovery Implementation Program
WRCF	Water Resources Cash Fund
WWUMM	Western Water Use Management Model

1.0 EFFECTIVE DATE

This second increment Integrated Management Plan (IMP) was adopted by the Central Platte Natural Resources District on July 25, 2019, and by the Nebraska Department of Natural Resources on August 9, 2019. This IMP became effective on September 11, 2019.

2.0 AUTHORITY

This IMP was prepared by the Board of Directors of the Central Platte Natural Resources District (CPNRD or District) and the Nebraska Department of Natural Resources (NeDNR) in consultation and collaboration with the District Stakeholders Group in accordance with *Neb. Rev. Stat.* §§ 46-715 through 46-720.

3.0 BACKGROUND

This document presents the IMP developed by CPNRD and the NeDNR for Integrated Groundwater and Surface Water Management within the District.

Key components of the IMP are a description of the groundwater reservoir(s) within the District and a description of the surface water systems and supplies within the District.

The groundwater aquifer characteristics of the Central Platte Valley of Nebraska may be the most studied in the State, if not in the high-plains region. Considerable information is available and has recently been expanded and improved through the efforts of COHYST¹- a cooperative hydrology study carried out by a coalition of natural resources districts, two public power districts, and two state agencies, with the assistance of numerous other federal and state agencies, and several statewide and local organizations.

The best means of describing the physical aquifer system, surface water systems, and existing uses is through maps, charts, tables, and graphs showing the different characteristics (e.g. hydraulic conductivity, transmissivity, certified acres, surface water rights) that are important to resource assessment and management planning. These items are referenced in CPNRD's first increment IMP, which is available by contacting CPNRD, and contains current information on the aquifer system and irrigation across the District.

CPNRD lies almost entirely within the Upper Platte River Basin with the Platte River being not only the largest surface water feature, but also the major source of water for the six surface water irrigation projects located in Dawson and western Buffalo counties. Annual flows in the Platte River average approximately 1.1 million acre-feet (AF) per year.

Water rights for irrigation, instream flows, storage, and storage use are held by numerous individuals and organizations on both the Platte River and on the Platte River tributaries across

¹ See Section 7.1 of this document for more information on the COHYST Model.

the District. CPNRD has an instream flow water right that represents the largest quantity of surface water within the District. In addition to providing irrigation water to approximately 81,000 acres of cropland in Dawson and Buffalo counties, Nebraska Public Power District (NPPD) also has a water right to produce electricity. The Gothenburg, Dawson County, and Kearney Canals are all owned and operated by NPPD. The four other Canals (Cozad, Orchard Alfalfa, Six-Mile, and Thirty-Mile) underwent extensive changes during CPNRD's first IMP. Cozad Canal, Orchard Alfalfa (now South Side Irrigation District; SSID), and Thirty-Mile (now Thirty-Mile Irrigation District; TMID) all underwent complete renovation. This included reshaping of the canals, tree removal, and gate structure repairs and replacements. CPNRD closed Six-Mile, filled it in, and is in the process of transferring the water rights to TMID, of which, CPNRD is half owner. CPNRD has 30-year Operation & Maintenance agreements with Cozad Canal and SSID.

The primary source of irrigation water is groundwater, with 17,580 registered irrigation wells irrigating 936,894 certified acres. There are 1,028,616 total certified and inventoried acres supplied by surface water, groundwater, or both. Groundwater supplies all municipalities, cities, towns, suburban areas, and rural downstream water users, as well as the vast majority of commercial and industrial users not on a municipal supply.

In developing this current IMP, CPNRD and the NeDNR consulted and collaborated with stakeholders who rely upon water from within the District that, after being notified of the commencement of the plan development process, indicated in writing or in person, their desire to participate in the process. Invited stakeholders include representatives from surface water users, municipalities, wildlife and environmental interests, economic development, financial organizations, county boards, agricultural organizations, and well drillers (Appendix C).

This collaboration and consultation with stakeholders took place during stakeholder meetings held in Kearney, Nebraska on August 14, 2018, September 18, 2018, November 13, 2018, and February 26, 2019 (Appendix C). At the final meeting, the stakeholder group reached consensus on the draft of the IMP.

4.0 MAPS AND MANAGEMENT AREA BOUNDARIES

The area subject to this IMP is the entire geographic area of the CPNRD, including the area within the boundaries of the CPNRD determined to be fully appropriated (Figure 1), the area designated as overappropriated by the NeDNR on September 15, 2004 (Figure 2), and the Upper Platte River surface water basin (Figure 3). The goals, objectives, and action items described in this plan pertain to the entire District. The stratigraphic boundaries subject to this IMP include all sediments from ground level downward through all aquifer units.

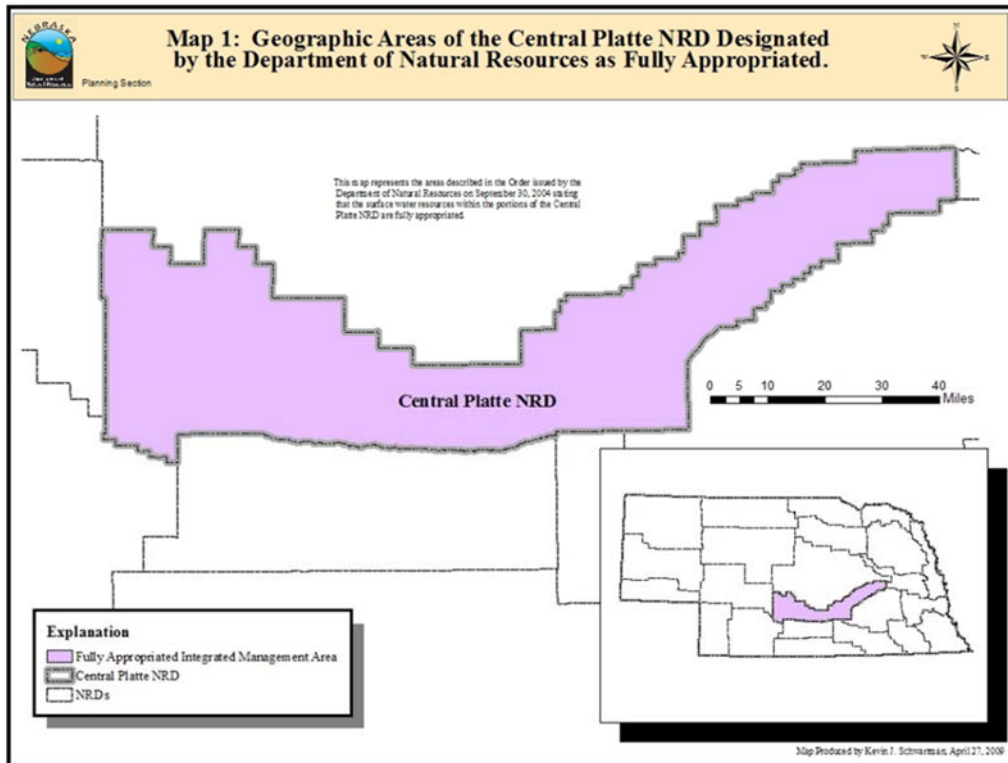


Figure 1. Fully appropriated area of CPNRD.

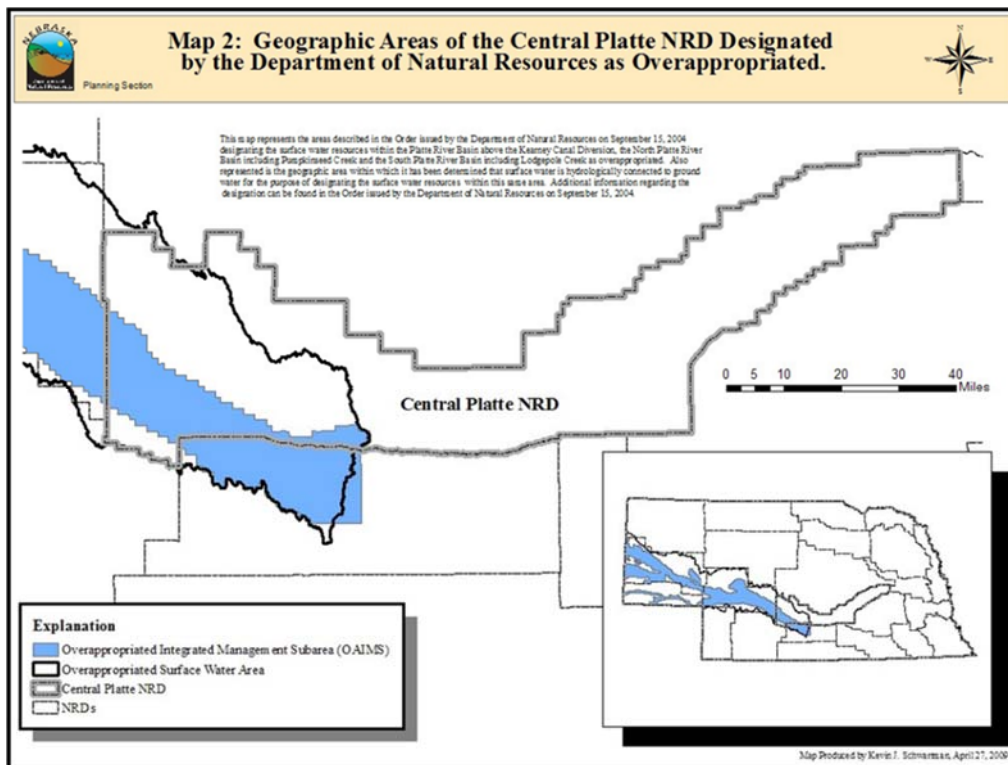


Figure 2. Overappropriated area of CPNRD.

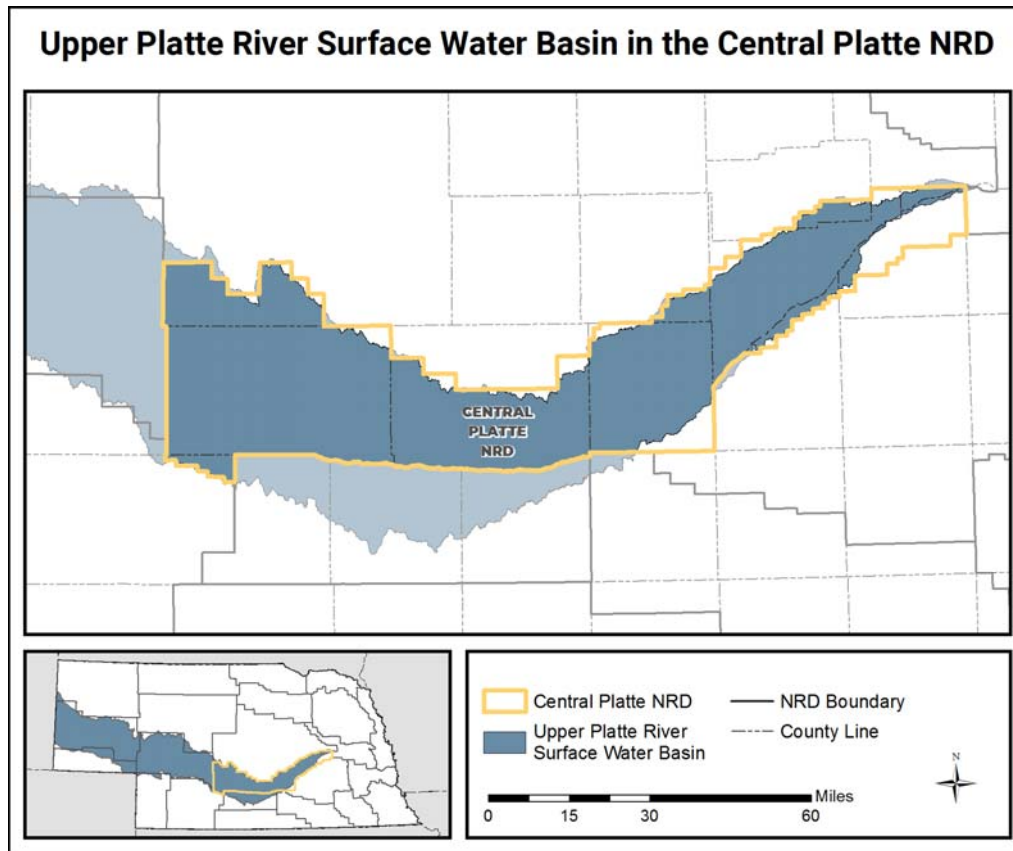


Figure 3. Upper Platte River surface water basin of CPNRD.

5.0 VISION

The CPNRD, in cooperation with the NeDNR, will implement this IMP to achieve and/or maintain a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare can be achieved and maintained for both the near term and long term, considering the effects on currently existing surface water appropriators and groundwater users.

Joint goals of CPNRD and NeDNR are to secure future water supply projects, to provide for water consumption that does not exceed full appropriation, to maintain CPNRD's water resources while allowing for economic growth, to provide an adequate water supply for beneficial uses, to resolve conflicts between users, and to ensure the IMP complies with the law, with interstate agreements, and with the Basin-Wide Plan.

To do this, CPNRD and NeDNR will develop regulations to protect existing users by treating the fully appropriated and overappropriated areas equitably; develop rules, regulations, and programs to balance water use and water supply; promote water use efficiency; promote programs that reduce water consumption by invasive species; implement potential incentive programs that encourage water conservation, reduce consumptive use, maximize funding; and will allow for groundwater transfers.

6.0 FUNDING

The NeDNR and CPNRD will use available funds and actively pursue new funding opportunities to cost effectively offset depletions as well as to develop, maintain, and update data and analytical tools needed to implement this plan. Funding for the regulatory and non-regulatory activities described in this plan will derive from several funding sources.

The NeDNR receives funds appropriated by the Nebraska Legislature for water resources management and administration. The CPNRD has revenue sources including the occupation tax provided in *Neb. Rev. Stat. § 2-3226.05*, funds granted to the CPNRD by the State or Federal government, or the levy authority authorized by *Neb. Rev. Stat. § 2-3225*. The NeDNR and CPNRD intend to utilize qualified projects described in *Neb. Rev. Stat. § 2-3226.04* to provide river-flow enhancement to achieve the goals and objectives of the CPNRD the requirements of the *Nebraska Ground Water Management and Protection Act* which would be funded using one or more of the revenue sources listed above. These qualified projects may also assist the State to achieve the goals and objectives of the State under the Platte River Recovery Implementation Program (PRRIP).

In addition to NeDNR and CPNRD contributions, both entities may also seek out and utilize grants from various federal, state, local and private partners. For example, the Nebraska Environmental Trust (NET) has been a supporter of water management activities in the Upper Platte River Basin.

Funding priorities identified in the action items include:

- Reductions in consumptive use
- Enhancement of water supplies
- Maintenance of existing projects and implementation of proposed projects to meet goals of this plan
- Data acquisition and maintenance, and model improvements for plan implementation

The ability of the NeDNR and CPNRD to implement the goals, objectives, and action items for this IMP, including their ability to meet the implementation timeline and intermediate deadlines set forth herein, may be limited by the availability of resources, including (but not limited to) funding or staff resources.

If limited resources prohibit completion or initiation of a specific management action, or if they delay the ability of the NeDNR or CPNRD to complete a task by an established deadline, such limitations and delays will be discussed by the NeDNR and the Upper Platte River Basin NRDs. If such a delay results in the need for revisions to this plan, the necessary revisions will be made following the procedures set forth in Chapter 10 of this IMP.

7.0 SCIENCE AND METHODS

NeDNR and the Central Platte NRD, North Platte NRD, South Platte NRD, Tri-Basin NRD, and Twin Platte NRD (Upper Platte River Basin NRDs) will use the best readily available science, data, and methods when implementing and reviewing the Upper Platte River Basin second increment IMPs. This maintains consistency with state statute and the first increment processes and methodologies. Consistency in the science, data, and methods used to evaluate water management actions across the basin is paramount to provide a consistent basis for comparison of the effectiveness of various water management actions, regardless of location. Statutes and prudent scientific practices call for clear and transparent procedures to track depletions and accretions. The NeDNR and Upper Platte River Basin NRDs will jointly develop and agree to all of the data, science, and methods used for the implementation, review, and evaluation of this IMP. The methodologies may be revised upon review of any new information, data, and science by the NeDNR and NRDs. The action items in Chapter 10 reference actions outlined within this Chapter that are instrumental to the implementation and review of the IMP. This Chapter briefly overviews the data, science, and methods used in the first increment and describe how this will continue into the current increment.

7.1 Best Available Science, Methods, Data, and Tools Used in the First Increment

The first increment and associated implementation of the Nebraska New Depletion Plan² (NNDP) used the Cooperative Hydrology Study (COHYST) model³ as the best available tool to determine both groundwater depletions and set mitigation targets for each NRD. The analysis used to determine the targets for the first increment is described in the 2008 COHYST report⁴. This analysis set the basis for the procedures for the Upper Platte River Basin NRDs and NeDNR to perform consistent, ongoing analysis throughout the first increment. Consistency in evaluation is crucial in order to compare the results from the analysis used to determine targets with the results of the analysis to determine how particular management actions meet those targets.

The Upper Platte River Basin NRDs and the NeDNR developed an annual protocol to evaluate IMP progress⁵ toward the targets using analytical methods coupled with COHYST model data to assess annual changes in permit activity regarding changes in consumptive use and streamflow depletions. The annual protocol methods are consistent with the 2008 COHYST report to provide

² More information on the NNDP can be found here:

<https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/water-planning/upper-platte/platte-river-recovery-implementation-program/ne-new-depletion-plan.pdf>

³ More information on the COHYST Model can be found at <https://cohyst.nebraska.gov>

⁴ Luckey, R. R. (2008). *Estimated Stream Baseflow Depletion by Natural Resources District in the Nebraska Platte Basin due to Gained and Lost Groundwater Irrigated Land after July 1, 1997*. [Referred to as the 2008 COHYST Report]. Aurora, CO: High Plains Hydrology, LLC. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

⁵ The protocol document, *Basin-wide Technical Committee Guidance Document – Procedures for Annual Accounting Review and Robust Review to Assist Integrated Management Planning and Facilitate Reporting to the Platte River Recovery Implementation Program*, can be found at <https://dnr.nebraska.gov/water-planning/other-upper-platte-river-documents>

a valid comparison to the IMP targets. The annual process was used each year and results of those analyses can be found on the NeDNR website⁶.

Evaluation of the initial COHYST model led to two major areas of scientific understanding. First, the massive expanse of the COHYST model area would be best modelled as two separate areas, the Western Water Use Management Modeling (WWUMM) area and the COHYST 2010 area, due to distinct and significant differences in geology, climate, land use, and water management. Second, splitting the COHYST model area required a reconstruction and rebuilding of the groundwater models. This fundamental rebuild of the models meant that neither model is currently consistent with the original 2008 COHYST report modeling analysis and results. Therefore, these models are not an appropriate tool to use as a direct comparison with the targets as described within the first increment IMP. Modifications to the original 2008 COHYST report analysis are necessary to redefine the targets for a true comparison with the newer modelling tools.

7.1.1 COHYST 2010

The COHYST 2010 Model includes a portion of the Upper Platte River Basin, extending westward from Chapman to the upstream end of Lake McConaughy. This model is used for the Central Platte NRD, Twin Platte NRD, and Tri-Basin NRD. The goal of COHYST 2010 is to support water management to maintain the region's extensive irrigation economy and protect river habitats used by endangered species. This goal is accomplished through reasonable and replicable model analysis to determine depletions and accretions that result from various water management actions.

The revised models improve the overall understanding of basin hydrology during implementation of the first increment plan. The first increment Robust Review used this updated understanding and science for all aspects of the analysis. Application of these tools and understanding resulted in refined estimates of post-1997 depletions that are typically greater than the original estimates included in the first increment plan. The Robust Review also provided estimates of the first increment offsets achieved by each of the Upper Platte River Basin NRDs. A description of the Robust Review can be found in Section 8.3 of this IMP.

7.2 Best Available Science, Methods, Data, and Tools to Be Used in Ongoing Increments

There are several basin-wide tenets regarding best available science, data, and methods that the Upper Platte River Basin NRDs and the NeDNR will follow while implementing their respective IMPs. NeDNR and the NRDs will:

1. Maintain, improve, or acquire data and modeling tools, such as the COHYST 2010 model, land-use, climate data, and other programs or projects needed to implement and assess the progress of this IMP.

⁶ Annual reports for the Upper Platte River Basin can be found at <https://dnr.nebraska.gov/water-planning/upper-platte-basin-wide-meetings-and-annual-reports>

2. Use the models or data and tools derived from the COHYST 2010 model and/or the WWUM model to analyze potential management actions, conduct an annual review of progress of the IMP, perform the next Robust Reviews, and carry out any relevant studies identified in this IMP or the Basin-Wide Plan.
3. Use conceptually consistent methods uniformly across the basin for IMP and Basin-Wide Plan compliance-based analysis, such that stream depletion estimates or calculations performed in one area of the basin are comparable to stream depletion estimates or calculations in another area of the basin. The concept “uniformly across the basin” in this IMP means using consistency in analysis, and is not intended to dictate that the same methods be used throughout the basin. Rather, the intention is to indicate methodologies must be scientifically based and proven as conceptually consistent equivalents through either the scientific literature or independent evaluation of NeDNR and the Upper Platte River Basin NRDs.
4. Use methods consistent with the analysis and tools used to develop the IMP targets when evaluating progress toward achieving current IMP targets. If necessary, new tools will be used to re-evaluate targets as well as progress toward those targets; in either case both the targets and the values estimating progress will be developed in a conceptually consistent manner so that they can be compared.
5. Maintain and expand model applications through collaboration with other model users.
6. Agree to substantial changes to the model before using those changes to evaluate the IMP and management actions. Such changes may include hydrologic properties or refinements of model grids.
7. Periodically review the accretion and depletion estimates and the methodology used in the analysis that generates these estimates. Understanding of the basin hydrology will continue to evolve as new supporting data and information are gathered and evaluated. Due to the improved data, information and tools, it is anticipated that, through agreement by NeDNR and the Upper Platte River Basin NRDs, the values for depletions or accretions from the Robust Review may change.
8. Share advances or updates to data, models, analysis tools, or hydrological understanding with the public. Methods, tools, and data used will be made available to the stakeholders and the public, as described in the Basin-Wide Plan. The process for incorporating new information and results into this IMP and/or supporting appendices will include a public hearing, as discussed in Section 10.9 of this IMP.

7.3 Information Considered in Developing this IMP

Information used in the preparation of this IMP and to be used in the subsequent implementation of this IMP can be found in the list below. These materials can be obtained by contacting the CPNRD or the NeDNR.

- The Order Declaring Formal Moratoriums in the Matter of the Platte River Basin above the Mouth of the Loup River, the North Platte River Basin, and the South Platte River Basin, et al.; dated July 14, 2004 (Appendix D)
- The Order Designating Overappropriated River Basins, Subbasins, or Reaches, and Describing Hydrologically Connected Geographic Area in the Matter of the Platte River Basin upstream of the Kearney Canal Diversion, the North Platte River Basin, and the South Platte River Basin; dated September 15, 2004 (Appendix E)
- The Order of Final Determination of River Basins, Subbasins, or Reaches as Fully Appropriated, and Describing Hydrologically Connected Geographic Area in the Matter of the Portion of the Platte River Basin Upstream of the Loup River Confluence, the North Platte River Basin, and the South Platte River Basin within the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District; dated September 30, 2004 (Appendix F)
- The CPNRD *Groundwater Quantity Management Plan*
- The CPNRD *Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act*
- The *Integrated Management Plan Jointly Developed by the Central Platte Natural Resources District and the Nebraska Department of Natural Resources*; effective September 15, 2009, revised May 21, 2012 (first increment IMP)
- The *Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska*; effective September 11, 2009 (first increment Basin-Wide Plan)
- The proposed *Second Increment Basin-Wide Plan for Joint Integrated Water Resources Management of Over Appropriated Portions of the Platte River Basin, Nebraska*
- COHYST and COHYST 2010 Models
- The 2019 *Upper Platte Basin Robust Review*
- The Upper Platte River Basin *Evaluation of the Difference in Streamflow Impacts Prior to and After 1997* (Total Depletions Analysis)
- The *Upper Platte River Basin INSIGHT Analysis*
- The Nebraska New Depletion Plan of the Platte River Recovery Implementation Program
- Information developed by and data collected for the Platte River Recovery Implementation Program

- Applicable Nebraska Revised Statutes
- *Department of Natural Resources Rules for Ground Water, Title 456 Neb. Admin. Code*
- *Department of Natural Resources Rules for Surface Water, Title 457 Neb. Admin. Code*
- The items listed in *Department of Natural Resources Rules for Process and Procedures, Title 454 Neb. Admin. Code*
- Additional data on file with the CPNRD and the NeDNR

8.0 FIRST INCREMENT ACCOMPLISHMENTS

8.1 Studies Conducted and Information Obtained in the First Increment

The Upper Platte River Basin NRDs and NeDNR conducted several studies in the first increment, which were specifically identified by the IMPs. Large amounts of information and data were collected and used in these studies and other analyses. The purpose was to help evaluate the potential effectiveness of various strategies in achieving the goals and objectives of that IMP and to help gage progress during the first increment.

8.1.1 Assessing Available Water

8.1.1.1 Surface Water

A study of unappropriated surface water, its availability in time and location, was conducted during the first increment; see reports by HDR and The Flatwater Group, Inc. (2010⁷, 2013⁸). A list of existing surface water appropriations within the basin was compiled as part of the study of unappropriated surface water (HDR and The Flatwater Group, Inc. 2010). It was determined that there are times when unappropriated surface water is available in the basin for relocation or retiming projects. Specifically, the NeDNR determined that between 1954 and 2008 there were excess flows available in some years. Most excess flow events occurred in May and June, and some events were in excess of 30,000 acre-feet (AF). A planning tool was developed to estimate amount, duration, and frequency of excess flow by reach.

8.1.1.2 Groundwater

To assist in assessing available groundwater, the CPNRD certified all groundwater irrigated acres and other uses of groundwater. This database continues to be maintained

⁷ HDR and The Flatwater Group, Inc. (2010). *Evaluation of Historic Platte River Streamflow in Excess of State Protected Flows and Target Flows*. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

⁸ HDR and The Flatwater Group, Inc. (2013). *Evaluation of Historic Platte River Streamflow in Excess of State Protected Flows and Target Flows, Technical Memorandum*. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

as a GIS database of the certified acres, which tracks transfers, retirements, and other changes to certified acres.

8.1.2 Conservation Study Phases I and II

8.1.2.1 Phase I

The Flatwater Group, Inc. completed Phase I of a conservation study in 2013 and provided the results in a Final Technical Memorandum⁹. The purpose of the Phase I study was to assess which conservation measures¹⁰ the Upper Platte River Basin NRDs should consider implementing and also to assess potential methods for developing basin-wide estimates of impacts to streamflow of the conservation measures in the fully appropriated and overappropriated areas of the basin.

Phase I provided a matrix which assessed the assumed magnitude of impact to streamflow of varying intensity for each conservation measure, as well as the required resources and cost of each method. The matrix also provided information on the effect to overland runoff, recharge, and net effect on evapotranspiration (ET) of each conservation measure of varying intensity. Conservation measures assessed included structural (e.g., terraces, dams, canals, etc.) and non-structural (e.g., tillage, irrigation management and efficiency, crop rotation, soil monitoring, buffers, etc.) measures.

8.1.2.2 Phase II

From the Phase I study, two conservation measures, 1) changes in tillage practices, and 2) improvements in irrigation efficiency, were identified and were subsequently assessed in the Phase II study for their impacts on surface water and groundwater¹¹. To analyze the effects that the two conservation measures had on both surface water and groundwater, each conservation measure was modeled and results were compared to a baseline model scenario. Two scenarios were developed for each conservation measure, a low and high bookend of their potential effects, using historical tillage practices and low irrigation efficiencies, and using no-tillage practices and high irrigation efficiencies, respectively.

A. Changes in Tillage Practices

In the surface water model scenarios, the no-tillage scenario resulted in a reduced the net irrigation requirement (NIR), corresponding to reduced river diversions, upstream storage releases, and comingled pumping, but overall minimal impact

⁹ The Flatwater Group, Inc. (2013). *Final Technical Memorandum of Conservation Study*. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

¹⁰ The Final Technical Memorandum defines conservation measures as “practices designed to control or prevent soil erosion, enhance the beneficial use of precipitation and irrigation water, or reduce non-beneficial water consumption.”

¹¹ Adaptive Resources, Inc., Nebraska Department of Natural Resources, and Wilson Water Group. (2017). POAC Area Conservation Measures Study – Irrigation Efficiency and Tillage Strategy. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

on the streamflow at the Lewellen gage. In the groundwater model scenarios, no-tillage resulted in increased baseflow and increased recharge.

B. Changes in Irrigation Efficiency

In the surface water models, the high efficiency scenario reduced NIR by approximately 30 percent, significantly increased crop consumptive use (as expected in water short systems), and reduced return flow. The increased consumptive use is often met by more efficient use of river diversions, and a significant reduction in upstream releases and comingled pumping. The low efficiency scenario resulted in higher streamflow due to reduced crop consumptive use and increased return flows during the non-irrigation season. The conservation measures caused the greatest impact on streamflow during dry years.

The groundwater models found that the effects of each practice varied between Upper Platte River Basin NRDs. North Platte NRD saw an increase in baseflow as a result of low efficiency irrigation, likely due to additional recharge from surface water diversions/canals along the North Platte River. The other Upper Platte Basin NRD's saw an increase in baseflow as a result of high efficiency irrigation, likely due to reduced groundwater withdrawals. High efficiency irrigation decreased recharge for all the Upper Platte River Basin NRDs.

Overall, relatively minor net surface water supply benefits result from increasing irrigation efficiency, primarily due to additional crop consumption and that in areas the reliant on surface water for delivery of irrigation supplies the increased efficiency of water delivery may have negative impacts on the water supply. High efficiency irrigation resulted in reduced groundwater pumping but also reduced groundwater recharge in all five Upper Platte River Basin NRDs. No-tillage practices resulted in reduced groundwater pumping and increased groundwater recharge in all five Upper Platte River Basin NRDs. As a result of these findings, additional ongoing efforts to evaluate the impacts of tillage practices are underway. It is expected that these updated findings will be integrated into future technical evaluations.

8.1.3 Conjunctive Management Study

In 2011, HDR and The Flatwater Group, Inc. published the Conceptual Design of a Conjunctive Management Project Study¹². The objectives of this study were to identify general elements, potential approaches, and constraints necessary for planning and evaluation of conjunctive management projects. Findings were then used to evaluate several hypothetical projects involving the Western Canal to illustrate the application of these concepts. Although the Western Canal, a 20-mile canal that diverts from the South Platte River, is located in South Platte and Twin Platte NRDs, the concepts from this case study are applicable basin-wide.

Conjunctive management¹³ involves managing surface water and groundwater together to maximize storage, timing, and use of the resource. For successful conjunctive management projects, identification and quantification of surface water and groundwater supplies is essential. Projects generally include three components, 1) diversion of surface water, 2) recharge facilities, and 3) use of the water. Project impacts (e.g., water yield, water quality, economics, the environment, etc.) and alternatives must be considered, as well as legal constraints. A monitoring plan should also be developed to assess project performance. All of these components were then used in a case study to evaluate several hypothetical conjunctive management projects on the Western Canal.

8.1.4 Inventory of Sandpits and Small Reservoirs

As part of Nebraska's commitment to PRRIP, the NeDNR has been charged with estimating the cumulative impacts of new or expanded, unregulated surface water activities. Therefore, in 2013, the NeDNR conducted an inventory and analysis of sandpits and reservoirs with capacity below 15 AF throughout Upper Platte River Basin¹⁴. This analysis used multi-temporal aerial imagery from 2005 and 2010, and implemented remote sensing techniques to delineate and compare the number, size, and distribution of these water bodies. Baseline data generated from 2005 imagery were compared to 2010 imagery in order to identify changes in the overall surface areas of these unregulated water bodies within the basin. Once these new or expanded water bodies were identified, the Natural Resources Conservation Service (NRCS) evapotranspiration (ET) calculator was used to estimate the resulting change in consumptive use due to ET.

The inventory component of the study was extremely labor intensive and required approximately 2,500 labor hours to identify, measure, and categorize over 13,000 remotely sensed features. After comparing data from both years, the study found 94 new or expanded

¹² HDR and The Flatwater Group, Inc. (2011). *Conceptual Design of a Conjunctive Management Project*. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

¹³ The Conjunctive Management Study defines conjunctive management as “the coordinated and planned use and management of both surface water and groundwater resources to maximize the availability and reliability of water supplies in a region to meet various water needs.”

¹⁴ Zoller, A., K. Ajaere, and A. Pedley. (2019). *Upper Platte River Basin Consumptive Use Change from New Reservoirs and New or Expanded Sandpit Lakes: 2005 to 2010*. Retrieved from <https://dnr.nebraska.gov/water-planning/upper-platte-river-publications>

sandpits and 9 new reservoirs. New and expanded sand pits represented a cumulative increase in open water surface area of 728 acres and new reservoirs were responsible for a cumulative increase of 19 acres for a total of 747 new acres of unregulated surface water throughout the basin from 2005 to 2010.

Once the change in open water acreage attributed to unregulated surface water was determined, the NRCS calculator was used to estimate the resulting change in consumptive use due to ET. The results of the NRCS analysis found a pronounced decrease in consumptive use due to ET during the growing season with a modest increase in consumptive use during the non-growing season. Additionally, the NRCS analysis identified a very slight increase in consumptive use due to new reservoirs, which was consistently distributed across all months. Ultimately, the NRCS analysis estimated that the increase in unregulated surface water acreage from 2005 to 2010 resulted in a net decrease in consumptive use of 678 AF per year throughout the basin. The results of this study were presented to the PRRIP's Water Advisory Committee on May 6, 2014.

8.2 Summary of Management Actions in the First Increment

The NeDNR continued the formal moratorium on all new surface water appropriations for the CPNRD. The CPNRD and NeDNR conducted several conjunctive management projects in cooperation with Irrigation Districts. Excess streamflows were diverted into irrigation canals, pits, and reservoirs for groundwater recharge to retine and augment baseflows.

Throughout the first increment, CPNRD undertook various water management actions to address and meet some of the mitigation targets. These actions include:

- Cooperative agreements with four surface water canals.
- Restrictions of new irrigated acres and retirement of groundwater irrigated acres, which reduces the amount of future groundwater pumping and subsequent groundwater depletions.
- Retirement of surface water acres, while allowing for new groundwater wells, which reduces and retimes the depletions to later dates.
- Agreements with the larger surface water canals, which allow for opportunities to recharge groundwater from excess flows, as well as store unused irrigation water in reservoirs.

Additionally, the following is a summary of the management actions carried out by the CPNRD:

- The CPNRD assisted groundwater users in signing up for incentive programs.
- CPNRD has closed the management area to the issuance of new well permits and the expansion of irrigated acres and limited increases in the consumptive use of groundwater withdrawals from water wells used for irrigation or other beneficial purposes. CPNRD may issue a water well construction permit provided that the permit conditions require an

offset for any new or expanded use or if as a result of issuing the permit, there will not be an increase in consumptive use due to any new or expanded use of groundwater. New or expanded groundwater uses may occur if an offset is provided.

- The purpose of certifying groundwater uses as of the dates below was to identify the current groundwater uses within the District. Different types of irrigated land were determined as part of the certification process, such as irrigated cropland, irrigated hay land, irrigated pasture, and sub-irrigated uses. In certifying the irrigated acres, CPNRD used 2004 as the base year for those areas within the fully appropriated area that was under the original state stay on new wells and new irrigated acres. The year 2005 was used as the base year for the remainder of the area designated as fully appropriated. All groundwater uses, with the exception of domestic uses and range livestock uses, have been certified by CPNRD.
- Any variance granted by CPNRD must consider the timing, location and amount of any depletion associated with the variance and any associated offset to ensure that there will not be an adverse impact to existing groundwater or surface water users or on the state's ability to comply with PRRIP.
- The purpose of a groundwater transfer is to be able to allow for the consumptive use of water to be changed either in location or purpose without causing an increase in depletions to the river or an impact to existing surface water or groundwater users.
- CPNRD partnered with surface water canals within its boundaries to take advantage of excess flows in the Platte River and to temporarily transfer uses back to the river to enhance streamflow.

8.3 Assessment of the First Increment (2019 Robust Review)

As required by statute, NeDNR and the Upper Platte River Basin NRDs conducted a Robust Review¹⁵, finalized in 2019, of the progress being made toward achieving the goals, objectives, and targets of the first increment. The previous IMP outlined the process for the Robust Review in order to compare the results of that analysis with the 2008 COHYST report (Section 7.1). The 2019 Robust Review was an update of that study. The evaluation used data and information from the annual reports and updates developed in support of Basin-Wide Plan and NNDP implementation.

This evaluation provides summarized estimates of the streamflow impacts resulting from gained and lost irrigated land, allocations, transfers, expansion and contraction of municipal and industrial uses, managed groundwater recharge, stream augmentation, and permitted uses that occurred through 2013. The 2019 Robust Review is a synthesis of all of these efforts and provides summarized updates of new targets that will be used to guide second increment planning goals and objectives.

¹⁵ Platte Overappropriated Area Committee. (2019). *Upper Platte Basin Robust Review*. Retrieved from <https://upjointplanning.nebraska.gov>

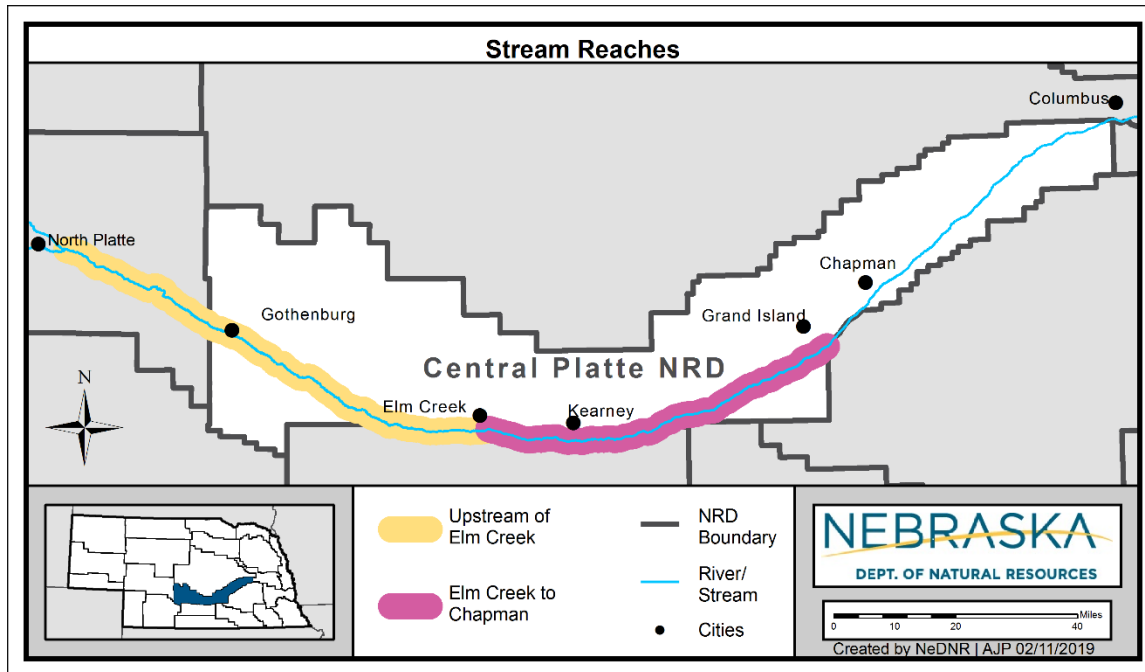


Figure 4. Stream reaches for Robust Review analysis.

Figures 5 and 6 below illustrate the results for the CPNRD for the period of 2014 – 2063 from this most recent Robust Review conducted by the NeDNR. Positive values for stream flow impacts indicate accretions and negative values indicate depletions. The charts display the modeled post-1997 impacts of groundwater-only irrigation, municipal and industrial development, allocations, groundwater irrigated acres retirements, and groundwater recharge activities within the CPNRD for each of the stream reaches impacted by the CPNRD, as shown in Figure 4. Again, the impacts of changes, activities, and actions taken through 2013 are reflected in the results but any changes, activities, or actions occurring after 2013 were not analyzed in this 2019 Robust Review and are therefore not shown in the data. A linear trend line has been added to the modeled impacts from 2014 through 2063, and the interannual variability range of modeled impacts across the trend shown by the grey band.

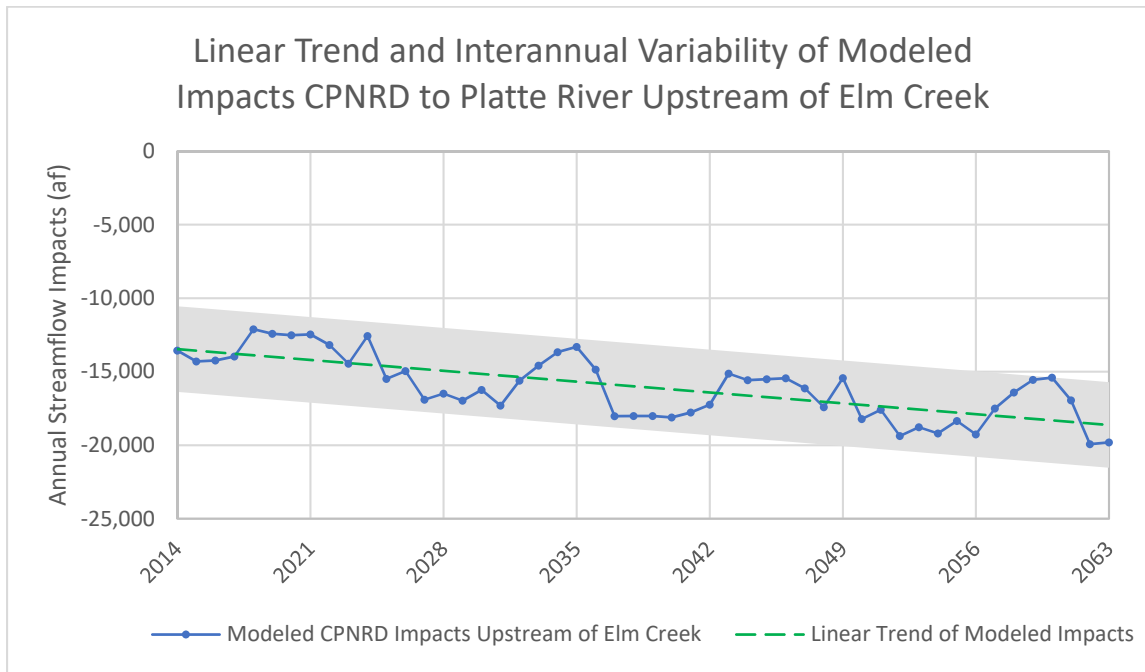


Figure 5. Modeled CPNRD post-1997 impacts to the Platte River upstream of Elm Creek, the linear trend line of the modeled impacts 2014 – 2063, and the interannual variability range of modeled impacts across the trend.

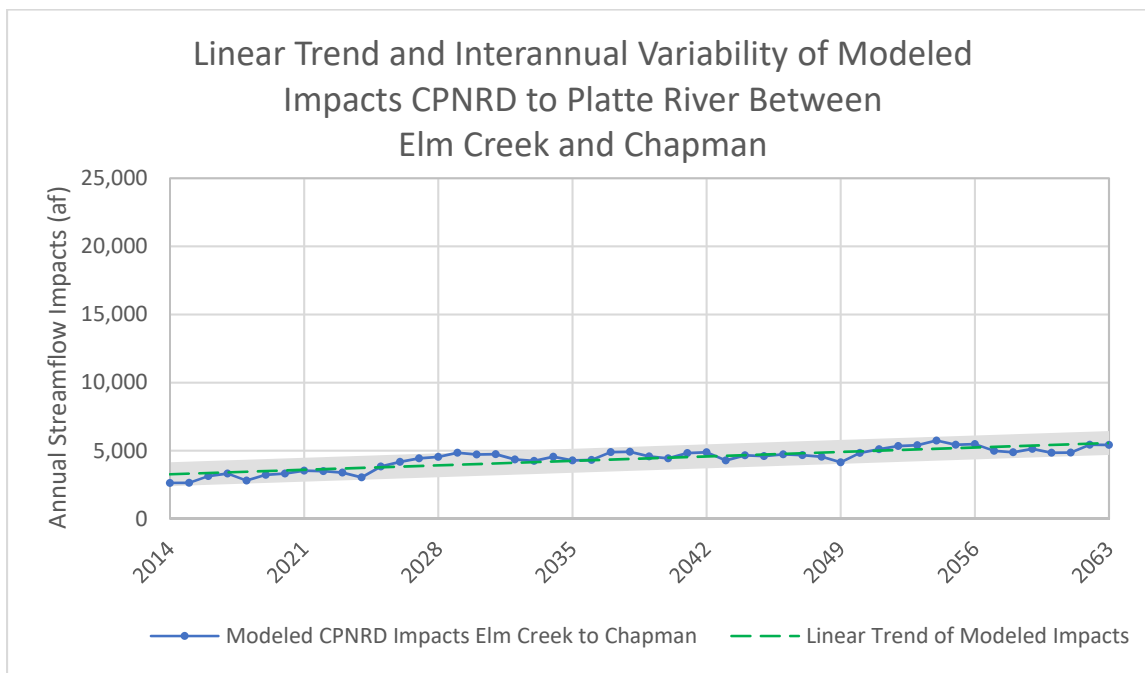


Figure 6. Modeled CPNRD post-1997 impacts to the Platte River between Elm Creek and Chapman, the linear trend line of the modeled impacts 2014 – 2063, and the interannual variability range of modeled impacts across the trend.

Potential future offsets and management actions are impacted by the variability in climate, therefore the trend line is shown to smooth out the potential future effects of climate variability and the grey interannual variability band encapsulates a potential range of impacts.

It is recognized that while they were not analyzed during this 2019 Robust Review, several canal diversions for recharge occurred after 2013 in the first increment that would also provide accretions to the stream. The agreements with the larger surface water canals also allows for storage of unused irrigation water in reservoirs, which counts as credit toward achieving the first increment IMP offsets. These will be considered when evaluating the progress toward second increment goals and objectives in Chapter 9 and when performing the next Robust Review.

8.4 Assessment of Fully Appropriated

There are several factors that play a role in assessing the difference between the current level of development and a fully appropriated conditions in the Upper Platte River Basin. Identifying this difference is critical in tracking progress toward a fully appropriated condition. The *Nebraska Ground Water Management and Protection Act* requires that determination of the difference between current and fully appropriated levels of development account for: (1) cyclical supply, including drought; (2) the portion of the difference that is due to conservation measures; (3) the portion of the overall difference due to water uses initiated prior to July 1, 1997; and (4) the portion of the overall difference due to water uses initiated or expanded on or after July 1, 1997. A more complete description of all of the factors that are used to assess the difference between current levels of development fully appropriated conditions are outlined in Appendix 1 of the Total Depletions Report¹⁶. Several publications have been developed to support evaluation of these components (see Conservation Measures Study Phase I and II, 2019 Robust Review, INSIGHT Analysis of the Upper Platte River Basin) and are further described below.

8.4.1 Streamflow Impacts from Uses Initiated Prior to July 1, 1997, and after July 1, 1997 (Total Depletions)

This evaluation provides summarized estimates of the streamflow impacts resulting from development of groundwater-only irrigated lands prior to July 1, 1997, and from development through 2013 within each Upper Platte River Basin NRD, for the reaches upstream of Elm Creek. The 2019 Robust Review Report provides a separate evaluation of the streamflow impacts resulting from gained and lost irrigated land, controls, municipal and industrial expansion and contraction, managed recharge, stream augmentation, and permitted uses initiated or expanded on or after July 1, 1997, within each Upper Platte River Basin NRD. The projections of future stream baseflow effects will be reviewed and updated through the course of the second increment, with future evaluations guiding any necessary refinements and modifications to the planning goals, objectives, actions, and controls.

¹⁶ Nebraska Department of Natural Resources. (2019). *Evaluation of the Difference in Streamflow Impacts Prior to and After 1997*. Retrieved from <https://upjointplanning.nebraska.gov>

In Figure 7 below, the modeled streamflow impacts to the Platte River upstream of Elm Creek from all groundwater-only irrigation and municipal and industrial development within the District with offsetting management actions, including groundwater irrigated acres retirements and recharge projects on the Platte River contracted by CPNRD, are shown. Also shown are the modeled streamflow impacts from all groundwater-only irrigation and municipal and industrial development prior to 1997. The difference between the two lines is the impact from post-1997 activities.

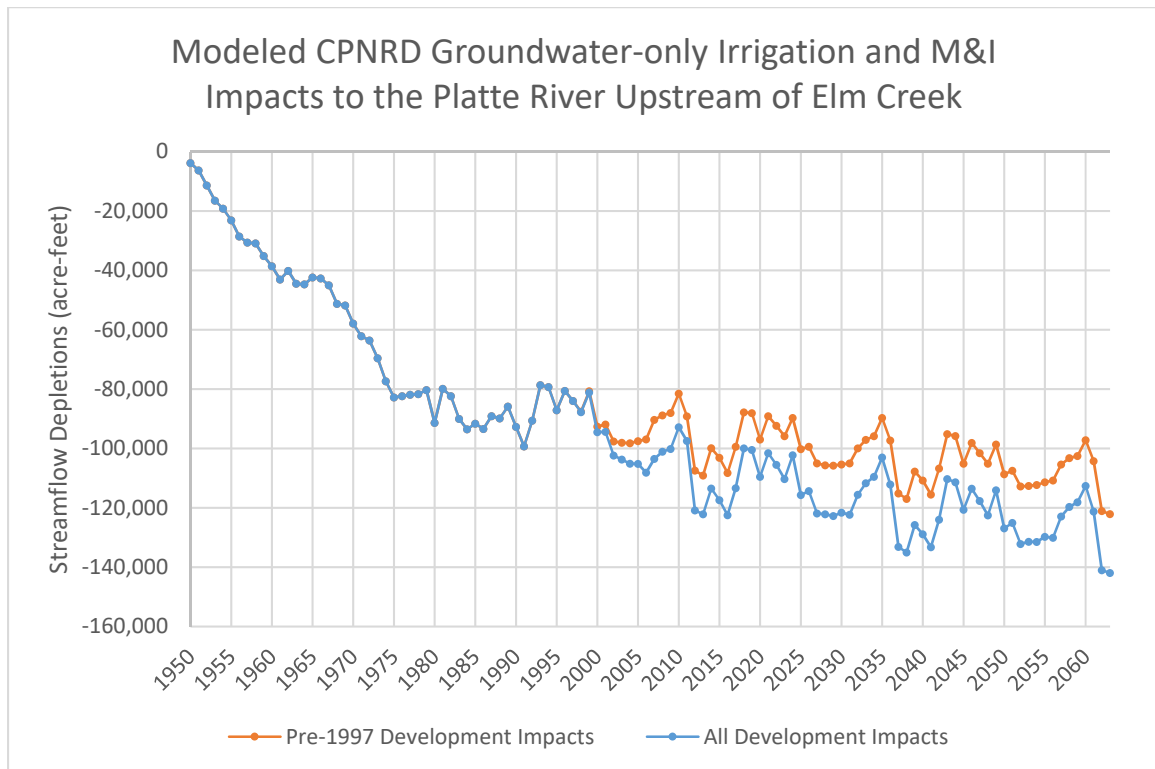


Figure 7. Modeled CPNRD streamflow impacts to the Platte River upstream of Elm Creek from all groundwater-only irrigation and Municipal and Industrial (M&I) development with offsetting management actions and the streamflow impacts from development pre-1997.

8.4.2 Conservation Measures

As previously noted in Section 8.1, significant effort has been focused on developing an approach to assessing the impacts of conservation measures. The first phase of this work focused on identifying conservation measures thought to be most impactful on water supplies and use. This phase resulted in the development of a matrix which assessed the assumed magnitude of impact to streamflow of varying intensity for each conservation measure, as well as the required resources and cost of methods that could be used to support further quantification. The matrix also provided information on the effect to overland runoff, recharge, and net effect on evapotranspiration (ET) of each conservation measure of varying intensity. Conservation measures assessed included structural (e.g., terraces, dams, canals, etc.) and non-structural (e.g., tillage, irrigation management and efficiency, crop rotation, soil monitoring, buffers, etc.) measures.

The second phase of this effort focused on further quantifying the impacts resulting from changes in tillage practices and irrigation efficiencies. The results of this work were presented to the basin-wide stakeholders with the general conclusions as follows:

- Relatively minor net water supply benefits result from increasing efficiency, primarily due to additional crop consumption and that in areas the reliant on surface water for delivery of irrigation supplies the increased efficiency of water delivery may have negative impacts on the water supply.
- Increased implementation of minimum tillage practice can reduce on-farm evapotranspiration and increase recharge, but will likely result in decreased runoff contributions to streams. Overall increasing the practice on minimum tillage can have a net water supply benefit of approximately 1-3 inches per acre depending on the location and existing farming practices.

As a result of the second phase findings additional ongoing efforts to evaluate the impacts of tillage practices changes are underway. It is expected that these updated findings will be integrated into future technical evaluations.

8.4.3 Evaluation of Cyclical Supplies and Demands (INSIGHT)

The NeDNR and Upper Platte River Basin NRDs conducted an evaluation of cyclical water supplies and demands for the Upper Platte River Basin using the INSIGHT methodology. The INSIGHT (Integrated Network of Scientific Information and GeoHydrologic Tools) methodology is an approach to assess the balance between water supplies and water demands within a basin. INSIGHT consolidates data from several sources, including NeDNR, the United States Geological Survey, the United States Bureau of Reclamation, and local NRDs. That hydrologic data is used to conduct an analysis of the following items at the basin- and subbasin-level:

- Streamflow water supplies available for use,
- The current amount of demand on these supplies,
- The long-term demand on these water supplies due to current uses,
- The balance between these water supplies and demands.

The overall concept was to examine basin water supplies and total water demands to estimate the water availability within the basin. The INSIGHT analysis¹⁷ used data from 1988-2012 and took into account basin water supply, total demands, and the effects of timing of uses, lag impacts, and water storage.

A balance in the basin occurs when water supply equals water demand. There are times when supply exceeds demand, and when demand exceeds supply. If demand exceeds supply, there may not be enough water supply to sustain demands over the long term.

Basin water supply is the amount of water available in the basin before any human use occurs. This is represented by adding streamflow, surface water consumptive use, and streamflow depletions caused by groundwater pumping. This supply fluctuates according to wet and dry years and also vary throughout the year

Total demand includes surface water and groundwater demands for irrigation and municipal and industrial uses, net surface water loss (also called canal seepage) and non-consumptive demands such as instream flows or hydropower. These demands vary throughout the year.

Figures 8 and 9 below show the basin water supply and total demands for the period of 1988-2012 for the entire Upper Platte River Basin, upstream from Odessa, NE. Each component of the supply and demand is displayed on the charts. The final chart (Figure 10) shows the annual balance, which is the supply minus the demand. When all demands in the basin are considered, the demands outweigh the supplies in most years. This means that there are times when the supplies are not adequate to meet all the demands.

¹⁷ HDR. (2019). *Upper Platte Basin INSIGHT Analysis*. Retrieved from <https://upjointplanning.nebraska.gov>

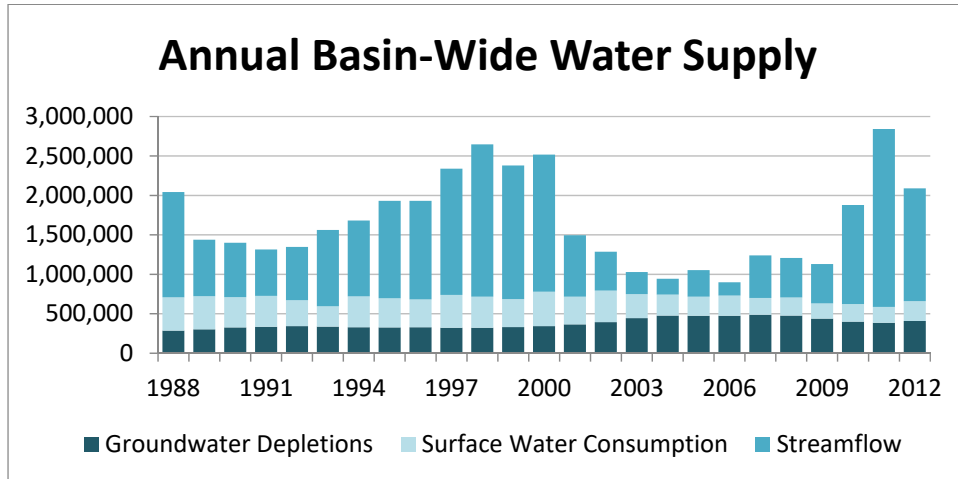


Figure 8. Upper Platte River Basin annual basin-wide water supply before any human use occurs.

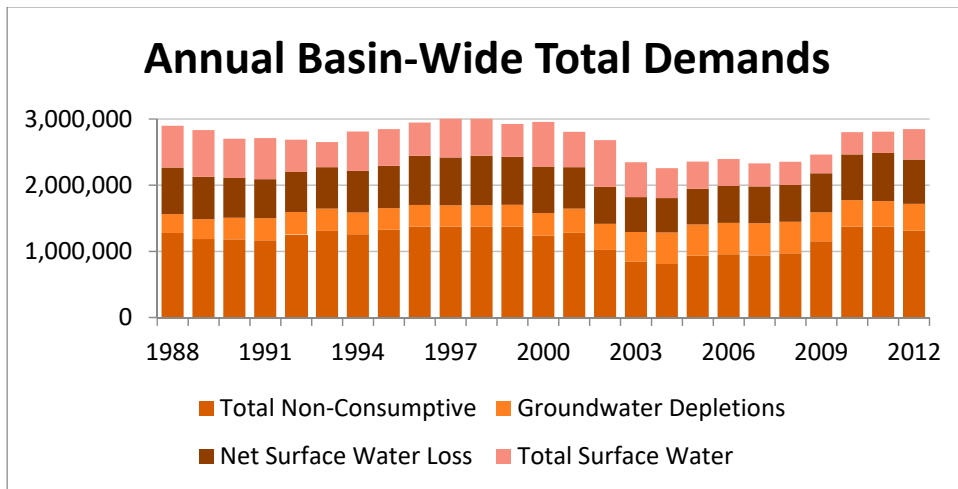


Figure 9. Upper Platte River Basin annual basin-wide total demands for surface water and groundwater.

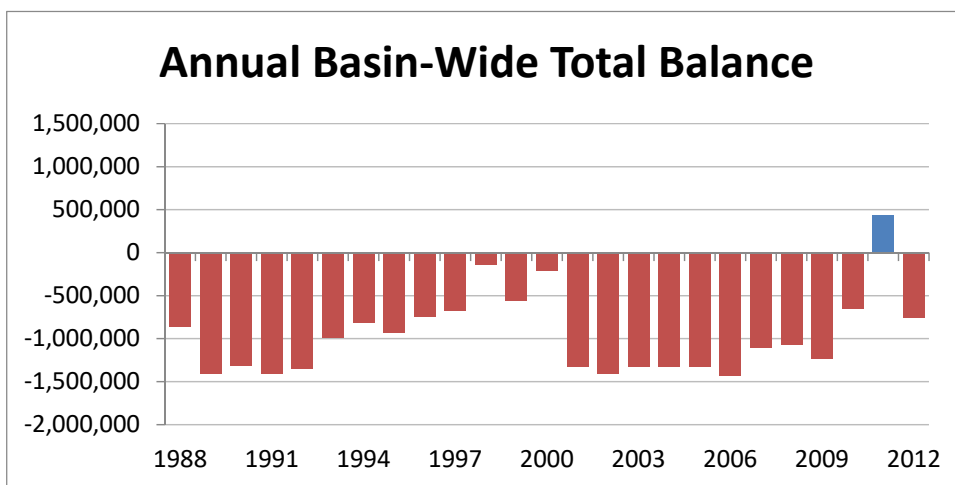


Figure 10. Upper Platte River Basin annual basin-wide total balance (supply minus demand).

8.5 Basin-Wide Coordination in the First Increment

The first increment IMP called for the development of a list of criteria to evaluate the potential to use available surface water and groundwater supplies as management projects to meet the goals and objectives of the IMP. In order to create a unified approach across the basin, the NeDNR and the Upper Platte River Basin NRDs established an interlocal cooperative agreement (ILCA).

8.5.1 Interlocal Cooperative Agreement (Platte Basin Coalition)

The Platte Basin Coalition (PBC or Coalition) is the ILCA that the Upper Platte River Basin NRDs and the NeDNR established. The Coalition serves as a venue for obtaining funding, project evaluation criteria, and technical support, in order to assess incentive programs aimed at reducing consumptive use within the overappropriated portion of the Upper Platte River Basin.

8.5.1.1 Protocols

Through the Coalition, the Upper Platte River Basin NRDs and NeDNR have developed a protocol to follow when evaluating potential projects, including the retirement of water uses and the implementation of other offset projects. This protocol provides a means to evaluate potential projects to assess the appropriate amount of funding to allocate toward that project from the Coalition. The evaluation incorporates data from the COHYST 2010/WWUM models and other tools, which include consideration of cyclical water supplies, to evaluate the potential impact of the project on streamflows. Projects with a greater or quicker impact on the stream are given preference over those that do not have as much of an impact. Project costs, benefits, permitting, and regulatory constraints are also considered.

8.5.1.2 Funding

The ILCA is partially financed by the Water Resources Cash Fund (WRCF). The WRCF receives monies from both the general fund and the Nebraska Environmental Trust (NET). Under statute, the WRCF may be used in overappropriated or fully appropriated areas for projects to study, develop, and implement management actions that result in reduction of consumptive use of water, enhancement of streamflows, or enhancement of groundwater recharge. Funding of projects through the PBC is shared between the Upper Platte River Basin NRDs and the NeDNR. Coalition members approve all project and study budgets as well as expenditures for studies. The Coalition will simultaneously seek outside sources of funding to increase the leveraging ability of the local dollars spent on projects. More on funding for this IMP is discussed in Chapter 6 above.

8.5.1.3 Technical Work

The five Upper Platte River Basin NRDs and NeDNR have a technical working group to address technical issues and statutory aspects of the Basin-Wide Plan and IMPs. The Upper Platte River Basin NRD managers and NeDNR will agree to technical analyses prior to beginning any work. The PBC will approve any expenditures for technical work.

The technical working group evaluates all aspects of analysis, including the conceptual design, data evaluation, and evaluation of the results. It is then the responsibility of the technical group to translate the results of any analyses to the administrators for either incorporation into this IMP or evaluation toward meeting plan goals.

During the next increment, the technical group will evaluate various aspects of data and models that may include the effects of conservation measures on depletion results, more efficient methods to track changes regarding irrigated lands, or areas where analyses may be simplified. The technical group will follow the basin-wide tenets outlined in Section 7.2 while carrying out any work necessary for the implementation of this IMP.

9.0 GOALS AND OBJECTIVES

The NeDNR and the five Upper Platte River Basin NRDs conducted a Robust Review as part of the actions required in the first increment. This analysis provided each NRD with the information necessary to assess their progress in meeting the goals and objectives of their individual first increment IMPs as well as the progress for the Upper Platte River Basin. The outcome of the 2019 Robust Review showed that the CPNRD met their IMP targets as defined for the first increment. The 2019 Robust Review also indicated that the current increment is necessary to continue to meet the goals and objectives. The 2019 Robust Review results have provided IMP targets for this second increment.

Actions to support the successful implementation of the goals and objectives in this Chapter can be found in Chapter 10, Action Items. Refer to Figure 4 in Section 8.3 for a map of the planning reaches described within these goals and objectives.

Goal 1: Reach and Maintain a Fully Appropriated Condition

To incrementally achieve and sustain a fully appropriated condition while maintaining economic viability, social and environmental health, safety, and welfare of the basin.

Objective 1.1: *Within this increment of this IMP, implement measures to address impacts of streamflow depletions to surface water appropriations and water wells constructed in aquifers dependent upon recharge from streamflow to the extent those depletions are due to water use initiated after July 1, 1997.*

Post-1997 depletions must be offset, in incremental pieces, by the end of the current increment.

During the first increment, many successful programs and projects were implemented. A summary of offset actions can be found in Section 8.2 of this plan. These offset actions were analyzed as part of the 2019 Robust Review to determine their impacts on streamflows and meeting post-1997 targets.

Upstream of Elm Creek, the results of the 2019 Robust Review indicate that additional incremental management actions are required by the CPNRD to offset post-1997 depletions. Based on the results, the CPNRD will need to implement post-1997 mitigation measures of 15,000 AF by 2029 for the reach upstream of Elm Creek (Table 1 below). However, based on preliminary results of the 2013 Conservation Measures Study¹⁸, it is expected that incorporation of data representing post-1997 tillage practice changes and other efficiency improvements will modify the estimates of total post-1997 depletions and the amount of offsets required in this increment. The inclusion of mitigation actions after 2013 will also change the results. Other modeling limitations identified in the 2019 Robust Review Report will be evaluated and incorporated into updated post-1997 mitigation targets prior to September 2023. Therefore, the NeDNR and CPNRD have agreed to implement an incremental approach in addressing the necessary mitigation measures in this increment, as described in Chapter 10 (Figure 11).

The first increment goal of implementing approximately 2,500 AF of post-1997 mitigation measures will be increased to 8,750 AF for implementation prior to September 2023. This is discussed in the triggers Section 10.6.2.

Targets Upstream of Elm Creek

To track progress toward meeting Objective 1.1, targets are set based on the trend line of the 2019 Robust Review modeled results (Section 8.4) for the short term and long term. These are the values that are to be offset through this increment. Future management actions and changes in water use will be analyzed using the technical tools available (according to the tenets in Section 7.2). It is recognized that current model projections will be different from model results from analyses that incorporate actual future conditions therefore the technical analysis must account for variability and the actual practices and projects being implemented must be considered. The methodology for evaluating the targets and a description of triggers used to assess offset progress can be found in Chapter 10, Action Items.

¹⁸ See Section 8.1.2: Conservation Study Phases I and II.

1. Short-Term Planning Targets Upstream of Elm Creek

Table 1. CPNRD offset targets for the Platte River upstream of Elm Creek for short-term planning purposes based on 2019 Robust Review trend line.

CPNRD Annual Short-Term Offset Targets	
Year	Upstream of Elm Creek (AF)
2019	-14,000
2020	-14,100
2021	-14,200
2022	-14,300
2023	-14,400
2024	-14,500
2025	-14,600
2026	-14,700
2027	-14,800
2028	-14,900
2029	-15,000

The values shown in Table 1, given in acre-feet (AF), are the best estimate of offset targets for the second increment of the IMP from the trend line of modeled depletions to the Platte River Upstream of Elm Creek from the most recent Robust Review analysis of groundwater only irrigation development after 1997, expansion of municipal and industrial uses after 1997, and management activities through 2013 in CPNRD. The methods used to develop these targets for the CPNRD are described in the 2019 Robust Review Report and in Chapter 8 of this IMP. A graph of the complete 2019 Robust Review results can also be found in Chapter 8. Using the trend line values as the targets recognizes the variability in the modeled Robust Review results. Since the variability is primarily caused by the climate used to simulate the future, it is not expected that the observed conditions will match the modeled conditions; therefore any future analysis compared to these targets must also account for this variability and be adjusted accordingly with an updated trend line and interannual variability range. The depletion amounts shown in Table 1 and the targets are subject to change based upon the next Robust Review (described in Section 10.7.3), which will use the best scientific data and information available. The process for revising the IMP, if targets change, is outlined in Section 10.9.

2. Long-Term Planning Target Upstream of Elm Creek

Table 2. CPNRD offset target for the Platte River upstream of Elm Creek for long-term planning purposes based on 2019 Robust Review trend line.

CPNRD Annual Long-Term Offset Target	
Year	Upstream of Elm Creek (AF)
2059-2063 average	-18,400

The long-term target for the Platte River upstream of Elm Creek is shown in Table 2. This target for the current ten-year increment aims to offset depletions to the Platte River and seek opportunities to further reduce impacts to the Platte River streamflows for the period 2059-2063. This is the average depletion for the five-year period of 2059-2063 from the most recent Robust Review modeled results trend line. A graph of the complete 2019 Robust Review results can be found in Chapter 8 of this IMP. Using the trend line value as the target recognizes the variability in the modeled Robust Review results. Since the variability is primarily caused by the climate used to simulate the future, it is not expected that the observed conditions will match the modeled conditions; therefore any future analysis compared to this target must also account for this variability and be adjusted accordingly. This target is the current best estimate and is subject to change based upon the next Robust Review (described in Section 10.7.3), which will use the best scientific data and information available. The process for revising the IMP, if the target changes, is outlined in Section 10.9.

If post-1997 depletions Upstream of Elm Creek are offset before the end of this increment, that progress must be maintained throughout this increment. This falls under Objective 1.2 of this goal.

Objective 1.2: *Maintain previous increment mitigation progress.*

Between Elm Creek and Chapman, the 2019 Robust Review shows that CPNRD has exceeded their post-1997 offset requirements. The CPNRD needs to maintain a neutral to positive balance in this reach for this increment. This objective applies to both the short-term and long-term. Within the current ten-year increment, the CPNRD and NeDNR will maintain a neutral to positive levels of accretions to the Platte River between Elm Creek and Chapman, and seek opportunities to further reduce impacts to streamflows for the period 2059-2063.

NeDNR and CPNRD will keep policies, projects, and practices in place, as appropriate, that provide offsets or supply equivalent offsets so that a neutral to positive balance between Elm Creek and Chapman is maintained. It is recognized that some actions undertaken in the first increment are temporary projects, which may come to an end during the current increment. Funding may limit additional offset opportunities. Best efforts must be made to find new projects or ways of providing offsets for projects that are not permanent.

If future analysis shows that depletions from post-1997 uses are greater than previously estimated and have not been fully offset for the Platte River between Elm Creek and Chapman, NeDNR and CPNRD will discuss how to address the remaining depletions within this increment.

Targets Between Elm Creek and Chapman

The primary objective for the reach of the Platte River between Elm Creek and Chapman is to maintain a positive to neutral balance of accretions. To track progress toward doing this and meeting Objective 1.2, targets are set based on the trend line of the Robust Review modeled results (Section 8.4) for the short term and long term. These targets are to provide a reference point for future impacts and actions. Future management actions and changes in water use will be analyzed using the technical tools available (according to the tenets in Section 7.2). In addition to technical analysis, the policies, projects, and practices continued or implemented will be taken into account. It is recognized that current model projections will be different from model results from analyses that incorporate actual future conditions therefore the technical analysis must account for variability and the actual practices and projects being implemented must be considered. The methodology for accessing the targets and a description of triggers used to maintain current progress can be found in Chapter 10, Action Items.

1. Short-Term Planning Targets Between Elm Creek and Chapman

Table 3. CPNRD accretion targets for the Platte River between Elm Creek and Chapman for short-term planning purposes based on 2019 Robust Review trend line.

CPNRD Annual Short-Term Accretion Targets	
Year	Between Elm Creek and Chapman (AF)
2019	3,500
2020	3,600
2021	3,600
2022	3,600
2023	3,700
2024	3,700
2025	3,800
2026	3,800
2027	3,900
2028	3,900
2029	4,000

The values shown in Table 3, given in acre-feet (AF), are the best estimate of accretions to the Platte River between Elm Creek and Chapman for the second increment of the IMP from the trend line of modeled accretions from the most recent Robust Review, which analyzed groundwater only irrigation development after 1997, expansion of municipal and industrial uses after 1997, and management activities through 2013 in CPNRD.. The methods used to develop the post-1997 targets for the CPNRD are described in the 2019 Robust Review report and in Chapter 8 of this IMP. A graph of the complete 2019 Robust Review results can also be found in Chapter 8. Using the trend line values as the targets recognizes the variability in the modeled Robust Review results. Since the variability is primarily caused by the climate used to simulate the future, it is not expected that the observed conditions will match the modeled conditions; therefore any future analysis compared to these targets must also account for this variability and be adjusted accordingly with an updated trend line and interannual variability range. The accretion amounts shown in Table 3 and these targets are subject to change based upon the next Robust Review (described in Section 10.7.3), which will use the best scientific data and information available. The process for revising the IMP, if targets change, is outlined in Section 10.9.

2. Long-Term Target Between Elm Creek and Chapman

Table 4. CPNRD accretion target for the Platte River between Elm Creek and Chapman for long-term planning purposes based on 2019 Robust Review trend line.

CPNRD Annual Long-Term Accretion Target	
Year	Between Elm Creek and Chapman (AF)
2059 – 2063 average	5,500

The long-term target for the Platte River between Elm Creek and Chapman is shown in Table 4. This is the average accretion for the five-year period of 2059-2063 from the most recent Robust Review modeled results trend line. A graph of the complete 2019 Robust Review Results can be found in Chapter 8 of this IMP. Using the trend line value as the target recognizes the variability in the modeled Robust Review results. Since the variability is primarily caused by the climate used to simulate the future, it is not expected that the observed conditions will match the modeled conditions; therefore any future analysis compared to this target must also account for this variability and be adjusted accordingly. This target is the current best estimate and is subject to change based upon the next Robust Review (described in Section 10.7.3), which will use the best scientific data and information available. The process for revising the IMP, if targets change, is outlined in Section 10.9.

Objective 1.3: *Make progress toward a fully appropriated condition.*

During the first increment, two analyses were performed to estimate the balance of water supplies and demands within the Upper Platte River Basin. This included an estimate of all groundwater depletions to streamflow, including depletions from uses prior to and after July 1, 1997 (Total Depletions), and the INSIGHT analysis. Both are described in Section 8.4.

NeDNR and the Upper Platte River Basin NRDs will continue to evaluate total depletions and water supplies and demands within the basin. NeDNR and the Upper Platte River Basin NRDs will continue to work to develop an estimate for a fully appropriated condition.

Impacts of streamflow depletions due to water use initiated prior to July 1, 1997, to 1) surface water appropriations and 2) water wells constructed in aquifers dependent upon recharge from streamflow may be addressed prior to a subsequent increment with the intent of achieving a fully appropriated condition.

Objective 1.4: *Review the implementation of this IMP to ensure that the IMP provisions are adequate to sustain progress toward and/or maintain a fully appropriated condition.*

Objective 1.5: *Once a fully appropriated condition is achieved, maintain such condition through the implementation of the IMP.*

Goal 2: Interstate Compliance

To ensure that no act or omission of the CPNRD or the NeDNR would cause noncompliance by Nebraska with any interstate decree, compact, or other formal state contract or agreement.

Objective 2.1: *To ensure that no act or omission of the CPNRD or the NeDNR would cause noncompliance by Nebraska with the NNDP included within PRRIP, for as long as PRRIP exists.*

Objective 2.2: *Ensure that the groundwater and surface water controls adopted in the individual NRD IMPs are sufficient to ensure that the state will remain in compliance with the NNDP.*

Objective 2.3: *Collectively, as defined in the NNDP, offset the new depletions caused by new uses within the Upper Platte River Basin NRDs.*

Objective 2.4: *Ensure that for post-1997 new or expanded uses, including irrigation, municipal, industrial, rural domestic and other new water related activities are assessed and offset for compliance with the NNDP. This assessment will be part of the Robust Review, explained in Section 10.7.3.*

Goal 3: Consistency, Communication, and Updates

Keep the IMP current, maintain consistency with the Basin-Wide Plan, and keep water users informed.

Objective 3.1: *Amend this IMP as needed to remain consistent with the Basin-Wide Plan.*

Objective 3.2: *Participate in basin-wide planning activities.*

Objective 3.3: *Improve information sharing with interested parties.*

Objective 3.4: *Conduct planning for subsequent increments of the IMP, as necessary.*

Objective 3.5: *If appropriate and necessary, follow the dispute resolution process in the Basin-Wide Plan.*

10.0 ACTION ITEMS

Chapter 10 contains the action items necessary to achieve the goals and objectives of the IMP. The action items described in this Chapter are intended to be consistent with the requirements of *Neb. Rev. Stat. § 46-715(3)*.

These actions range from ongoing non-regulatory actions such as information and education efforts, to maintenance of current regulatory actions, and the potential for future increased controls if certain triggers cannot be achieved through the other actions taken by CPNRD or NeDNR. As described within this Chapter, more details on the statutes or rules followed by CPNRD or NeDNR can be found at the offices of each respective agency. For purposes of transparency/simplicity, the full length of those documents are not repeated herein, so the reader is directed to each agency to read the full details on how any particular action item may be carried out.

10.1 Information and Education Programs

The CPNRD and the NeDNR will provide educational materials to the public and/or carry out educational activities that may include, but not be limited to, the following:

- The fully appropriated determination
- The overappropriated designation
- The IMP
- The Nebraska New Depletion Plan (NNDP)
- The Platte River Recovery Implementation Program (PRRIP)
- Hydrologically connected groundwater and surface water
- Invasive species management
- Conversion of irrigated acres to dryland agriculture or wildlife habitat
- Limited irrigation cropping systems
- Soil residue and tillage management
- Alternative crops
- Water use measurement techniques
- Eco-tourism, crop diversification, changes in land use, to support diversity in revenue streams of water users within the basin, as a means of maintaining economic viability
- Educational programs to support the implementation of Incentive Programs
- Funding sources for programs that enhance water supply

These educational materials and/or activities may include, but not be limited to, joint public meetings, pamphlets, and website information.

10.2 Incentive Programs

The NeDNR and/or the CPNRD intend to establish, implement, and/or continue financial or other incentive programs to reduce consumptive use of water within the CPNRD to meet the goals and objectives of this IMP.

A. State or Federal Programs

Incentive programs include any program authorized by state law and/or federal programs such as the Environmental Quality Incentive Program (EQIP).

B. Other State or NRD Programs

The CPNRD and the NeDNR may investigate opportunities to reduce the consumptive use of water in order to enhance water supply as well as other water supply improvement projects. The CPNRD and the NeDNR may develop an incentive-based program if such an opportunity exists.

1. All projects and programs will:

- Use the best science readily available. This will follow the basin-wide tenets outlined in Section 7.2. These will be consistently evaluated according to the protocol developed by the PBC. Benefits will be assessed using the agreed upon methods and tools.
- Enhance groundwater quantity, groundwater quality, and recognition of the value of return flows.
- Remain in compliance with any state or federal laws, contracts, interstate compacts, or decrees that govern the water use of the irrigation districts.

2. The general process for permanent or temporary retirements includes:

- For existing surface water appropriations, contact the appropriators to determine willingness to cooperate, lease and/or sell those appropriations. If willing, develop and execute contract(s) with appropriator(s).
- Work with irrigation districts, not just individual landowners served by the irrigation district, when potential projects affect the operation of the irrigation district.
- Permanent or temporary retirement of surface water rights. While typically a surface water right which has not been used for more than five years may be cancelled due to nonuse, under *Neb. Rev. Stat. § 46-229.04*, if the

appropriation is not being used because it is part of an acreage reserve program, or other state or federal program, there is sufficient cause for nonuse and the right is still valid.

- For existing groundwater uses, contact the landowner(s) to determine willingness to cooperate with the proposed project(s). If willing, develop and execute contract(s) with such landowner(s).
 - Submit permit application(s) if required by Nebraska statutes.
 - Implement the approved projects.
3. At this time, other programs that have been identified are:
- Potential purchase or lease of surface water irrigation district appropriations in order to transfer those appropriations to intentional recharge appropriations.

10.3 Water Banking

The CPNRD has established a water bank. The CPNRD will purchase or otherwise acquire certified groundwater irrigated acres or other groundwater uses or surface water use appropriations. The CPNRD will hold the water in its water bank for purposes including but not limited to:

- Offsetting new or expanded consumptive uses
 - Saving water to meet statutory requirements or interstate agreement obligations
 - Saving water to meet future incremental targets toward achieving a fully appropriated condition
- A. The CPNRD and the NeDNR will follow the basin-wide tenets from Section 7.2 while implementing the water bank.
- B. The CPNRD will contact the NeDNR prior to purchasing or acquiring surface water appropriations for deposit in the water bank. The NeDNR will conduct a field investigation of the surface water appropriation and notify the CPNRD of the results of that investigation within 90 days. The CPNRD will work collaboratively with the NeDNR in performing the analysis to evaluate the bankable volume of water resulting from the retirement of the surface water appropriation. The CPNRD will follow the appropriate statutes and rules and regulations of the NeDNR for approval if the surface water appropriation is to be transferred to another use.
- C. The CPNRD will obtain and maintain permanent easements, lease agreements or other agreements on all property from which surface water or groundwater uses have been retired for purposes of the water bank.

- D. The CPNRD shall annually report water banking transactions as part of the tracking and reporting requirements in Section 10.7.1.
- E. When carrying out any water banking activity, the CPNRD shall follow the procedures for any groundwater regulatory action (e.g. transfers, certification, or municipal and non-municipal industrial accounting) applicable to such activity. When carrying out any surface water related water banking activity, the CPNRD shall follow the appropriate state statute and NeDNR rules and regulations.

10.4 Conjunctive Management

Conjunctive management projects¹⁹ allow for the optimum use of hydrologically connected surface water and groundwater supplies, so that the variability seen in surface water supplies can be smoothed out over time, allowing water users to wisely store water during periods of surplus and, in a managed fashion, withdraw that stored water in times of shortage, overall increasing the available supply through time. Conjunctive management projects can also create benefits such as, mitigating groundwater level declines and offsetting depletions. The NeDNR and CPNRD will identify conjunctive management opportunities and implement such projects with the purpose of meeting the goals and objectives of this IMP.

Conjunctive Management may include, but is not limited to:

- Surface water appropriations that encourage recharge during either the irrigation or non-irrigation season, or temporary excess flow appropriations for recharge
- Develop new infrastructure (e.g. dams or canals) that may include groundwater recharge projects, and recovery when appropriate
- Temporarily transfer surface water appropriations within the District to streamflow augmentation, instream flow appropriations, or an instream use²⁰
- Develop other groundwater projects for the purpose of providing net accretions to the river
- Facilitate contractual agreements between water users
- Reduce consumptive use by permanently or temporarily retiring irrigated land

¹⁹ See Section 8.1.3: Conjunctive Management Study for more information and a definition of “conjunctive management.”

²⁰ *Neb. Rev. Stat.* § 46-290(5) in part states that “For any transfer or change approved [to augment flow in a specific stream reach for any instream use determined by the Department to be a beneficial use,] the Department shall be provided with a report at least every five years [...] to indicate whether the beneficial instream use for which the flow is maintained or augmented continues to exist”. Title 457 of the Department of Natural Resources Rules for Surface Water Chapter 9 Section 002.01 states “For purposes of 46-290(5) R.R.S. 1943, as amended, beneficial use for instream uses shall include: a. Water Quality Maintenance b. Water necessary for compliance with compacts, decrees or other state contracts.”

The NeDNR and CPNRD also reserve the right to explore other options consistent with state and federal law, this IMP and the Upper Platte River Basin-Wide Plan in addition to those listed above.

The Upper Platte River Basin NRDs and NeDNR will mutually develop procedures for conducting conjunctive management projects. These procedures may include details on communicating when and where excess flows are available; permitting, contracting, and payment processes; tracking projects and maintaining data records; sharing data; cooperating with other entities wishing to utilize excess flows; and methods for determining benefits from projects (annually for IMP/Basin-Wide Plan/PRRIP reporting and for Robust Review purposes). Techniques which can be actively managed and returned to the stream do have benefits that are different from those that are passive (timing and volume of return is uncontrolled, unmanaged, unknown). Conjunctive management projects can be passively managed or actively managed. Actively managed projects, such as storage of excess water, can be returned to the stream at a specific time in controlled volumes. Passively managed projects, such as recharge of groundwater through excess flow diversions, return to the stream gradually over time and the rate and volume depends on the underlying aquifer material and proximity to the stream.

The ability to capture and use excess flows is dependent on advanced notice of the availability of excess flows. NeDNR will develop a protocol for assessing, predicting, and communicating 1) the potential of excess flows to basin water users, and 2) notice of actual availability of excess flows. The CPNRD and NeDNR will work collaboratively to record the excess flows diverted, the excess flows diverted into recharge sites, and the amount of water returning to the river at canal return flow structures. Additionally, CPNRD and NeDNR will collaboratively review and analyze the data from the excess flow diversions to determine the amount of recharge that occurred during the event within the canal and recharge pits. Data on canal recharge and conjunctive management projects will be shared as part of the annual reporting process, described in Section 10.7. The recharge will be analyzed in future Robust Review or other analyses.

In order to optimize the implementation of various conjunctive management projects where diversions of excess streamflow will occur, operational plans for each project should be developed. These operational plans should include enhanced monitoring and flow of information and data to effectively manage and utilize any available water. These operational plans will provide the NeDNR with objective criteria by which various projects may be prioritized in order to most effectively utilize available excess flows in the Platte River Basin. The public interest will be best served when the most effective projects are selected for diversion during excess flow periods. In addition, such plans and operational attributes will be useful in establishing good cause and passing public interest tests when petitions and applications are filed with the NeDNR.

10.5 Drought Planning

The basin drought contingency plan will serve as a guide for plans developed by each individual Upper Platte River Basin NRD. District-level mitigation measures and response actions corresponding to the drought conditions will be identified and implemented at the individual NRD level. Elements of the CPNRD drought plan include:

- Vulnerabilities
- Triggers
- Mitigation actions
- Response actions
- Plan administration

The basin-wide drought plan is to be completed within the first three to five years of the increment. It is anticipated that CPNRD drought plan would be completed after the basin-wide drought plan, as the basin-wide drought plan is to provide guidance on the CPNRD drought plan. The CPNRD and NeDNR will work with water users in the District and consider their input when developing the CPNRD drought plan.

10.6 Controls and Triggers

10.6.1 Groundwater Regulatory Actions (Controls)

CPNRD will consider the timing, location, and amount of the depletion for all actions in order to prevent adverse impacts on existing groundwater and surface water users.

Actions include, but are not limited to, these controls: moratorium variances, certified acre modifications, transfers, municipal and industrial permits, and other variances.

The evaluation criteria for a control or other action include, but are not limited to, the following:

- Impact to existing groundwater or surface water users;
- Change in consumptive use;
- The amount, location, and timing of any changes in depletions or accretions to the river;
- Any adverse effects on the state's ability to comply with PRRIP;
- Consistency with the purpose of the IMP; and
- Protection of the public interest and public welfare.

CPNRD will, by order, adopt controls in the fully appropriated areas to achieve the goals and meet the objectives of this plan. The specifics of the processes for all of these controls can be found in the *CPNRD Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act*.

CPNRD will periodically review the controls being implemented to carry out the goals and objectives of this IMP. Any changes to the controls must not be in conflict with the goals and objectives of this IMP. CPNRD may adjust or modify the controls or expand to include additional controls as deemed necessary and appropriate by the Board of Directors to achieve the goals and meet the objectives outlined in this IMP. However, if the Board decides to remove any of the controls, CPNRD and the NeDNR shall amend this IMP prior to removal of these controls. Changes to these controls may be the result of the annual review of progress being made toward achieving the goals of this IMP, according to *Neb. Rev. Stat. § 46-715(5)(d)(ii)*.

CPNRD and the NeDNR will coordinate with the other Upper Platte River Basin NRDs to develop a consistent method of calculation, following the basin-wide tenets outlined in Section 7.2, that will be applied when calculation of depletions or accretions to the stream are necessary to implement groundwater controls. Any actions taken by the CPNRD will be documented and shared with the NeDNR pursuant to Section 10.7. The CPNRD will work with the well owner to update the water well registration to reflect the permitted actions to reflect the new or additional use.

Briefly, CPNRD plans to manage groundwater in the following ways:

- Controls to limit an increase in the amount of irrigated land in the management area or otherwise limit increases in consumptive use of water for any purpose
- Requiring approval of transfer permits and placing conditions on such transfers)
- Closing of the management area to the issuance of additional groundwater well construction permits unless the permit is conditioned to meet the purposes for which the management area was designated
- Adapting different controls for different categories of groundwater uses
- Establishing different requirements for water wells constructed before the designation of a management area and those drilled afterward

CPNRD will put into place the following controls:

10.6.1.1 Groundwater Moratorium

The CPNRD has implemented a moratorium on the issuance of water well construction permits and on new or expanded groundwater uses. The CPNRD may grant a variance from the moratorium if there is an offset for any new or expanded use, or if there will be no negative impacts due to the new or expanded use.

10.6.1.2 Certification of Groundwater Uses

All groundwater irrigation uses have been certified by the CPNRD. The CPNRD may grant modifications to certified acres.

10.6.1.3 Groundwater Variances

The CPNRD may grant a variance for good cause shown for any of the controls in this IMP or within CPNRD's rules and regulation.

10.6.1.4 Groundwater Transfers

- A. The purpose of a groundwater transfer is to allow for the consumptive use of groundwater to be changed either in location or purpose. A transfer permit from the CPNRD shall be required before any transfer as identified in the bulleted list below may be allowed.

The CPNRD may permit, regulate, or take action on the following types of groundwater transfers:

- Physical transfer of groundwater off of the overlying land
- Transfer of the type of use or addition of use
- Transfer of certified irrigated acres
- Physical transfer of groundwater and transfer of certified irrigated acres between the CPNRD and an adjoining NRD
- Municipal transfer permit
- Industrial transfer permit
- Transfers out of state

- B. The following types of groundwater transfers involve coordination communication between the NeDNR and the CPNRD when issuing a permit:

- Municipal Transfer Permits – transfers without a municipal and rural domestic transfer permit from the NeDNR will require a transfer permit from the CPNRD

- Industrial Transfer Permits – transfers without an industrial transfer permit from the NeDNR will require a transfer permit from the CPNRD
- Transfer Out of State – The NeDNR will consult with the CPNRD when considering applications filed to transfer groundwater out of state, pursuant to *Neb. Rev. Stat. § 46-613.01*. CPNRD will take action to approve or deny the transfer request based on the same criteria that the NeDNR uses prior to issuing a transfer permit; and a water well construction permit shall not be issued unless and until the board of the CPNRD has granted a variance to the moratorium on the issuance of water well construction permits and has approved the transfer permit.

10.6.1.5 Municipal and Industrial Accounting

Required for the Calculations of Baselines and the Determination of Allocations

As described within Goal 2, Objective 2.4 of this plan, for purposes of compliance with the NNDP the CPNRD will be responsible for offsetting all increases in consumptive use that result in streamflow depletions due to changes in municipal and industrial consumptive use after 1997, unless some portion of the increase is greater than an allocation of the municipality or industry that was set in accordance with *Neb. Rev. Stat. § 46-740*, then CPNRD may require the municipality or industry to provide offsets for that portion.

The CPNRD has enacted baseline accounting calculations for municipal and industrial uses to be consistent with *Neb. Rev. Stat. § 46-740*. On January 1, 2026, the CPNRD will establish baselines and allocations for municipal and industrial users and will require for any increases in the consumptive use of water above the annual allocation that result in a decrease in streamflow shall be offset by the municipality or industry.

Within the fully appropriated area of the District, CPNRD implemented the following regulatory action items through their Rules and Regulations during the first increment IMP and will continue to do so in the future.

A. Municipal Use and Accounting

1. CPNRD calculated a baseline consumptive use for each municipality within the District based on historic consumptive use data for the interval August 1, 2001, through July 31, 2006. Consumptive use was determined from groundwater pumping volumes, wastewater discharge volumes (when available), and/or computer modeling, and converted to a per capita volume. The baseline per capita volume, plus the annual population growth estimated by the Nebraska Department of Economic Development and/or U.S. Census Bureau will be used to determine changes in consumptive uses. Changes in consumptive use will be tracked for each municipality through a reporting and database system administered by CPNRD.

2. Every five years, or when requested by the NeDNR or as determined by CPNRD, CPNRD will re-calculate the per capita consumptive use based upon updated data and make any necessary adjustments to the per capita offset requirements.
 3. Until 2026, CPNRD will be responsible for offsetting all increases from the baseline consumptive use as estimated by population growth, except any new or expanded single commercial/industrial consumptive use, served by the municipal water system, of more than 25 million gallons per year.
 4. The municipality shall be responsible for reporting to CPNRD and offsetting to the river, any new or expanded single commercial/industrial consumptive use served by the municipal water system, if that new or expanded consumptive use is greater than 25 million gallon per year.
- B. Non-Municipal Industrial Use and Accounting
1. CPNRD calculated a baseline consumptive use for each non-municipal industrial use within the District based on historic consumptive use data for the interval August 1, 2001, through July 31, 2006. Consumptive use was determined from groundwater pumping volumes, wastewater discharge volumes (when available), and/or computer modeling. The baseline will be used to determine changes in consumptive use.
 2. These changes in consumptive use will be tracked for each non-municipal commercial/ industrial user through a reporting and database system administered by CPNRD.
 3. Until 2026, if the new or expanded single commercial/industrial use is less than or equal to 25 million gallons per year, CPNRD will be responsible for offsetting the entire new or expanded use below the amount granted in the industrial transfer permit, if applicable.
 4. If the new or expanded non-municipal commercial/industrial use exceeds 25 million gallons per year and they do not have a transfer permit, the user will be responsible for offsetting all new or expanded consumptive uses. If the new or expanded non-municipal commercial/industrial use has a transfer permit, the user is responsible for offsetting all new or expanded uses above the amount granted in the industrial transfer permit.

10.6.2 Triggers

10.6.2.1 Upstream of Elm Creek

In order to determine whether additional groundwater regulatory actions are needed to meet the streamflow targets for the Platte River upstream of Elm Creek within the CPNRD, the annual stream depletion amounts shown in Table 1 under Goal 1 Objective 1.1 will be compared to the stream accretions resulting from the actions taken by the CPNRD and

any new depletions resulting from new uses and increased depletions resulting from existing uses. If the annual net sum of the accretions resulting from the actions taken by the CPNRD and the annual depletions (shown in Table 1) are greater than or equal to zero, regulatory actions will not be required (assumes accretions are a positive number and depletions are negative).

Regular progress toward meeting the goal of a net sum of accretions and depletions of greater than or equal to zero must be demonstrated. Regular progress will be determined by the indicator and trigger milestones described below.

At this time it is anticipated that annual progress will be tracked using an analytical accounting method, similar to that in the technical guidance document developed by the Upper Platte River Basin NRDs and the NeDNR²¹. The impacts calculated annually will be compared to the values in Table 1 in Chapter 9 of this IMP.

The NeDNR and the CPNRD recognize the potential for the implementation of voluntary programs, incentive measures, or other projects to provide stream accretions that will help bring the post-1997 depletions and accretions to a net sum of greater than or equal to zero in the next increment, and will work diligently to implement measures to provide stream accretions in a timely manner. The NeDNR and the CPNRD also recognize that the current Robust Review results have limitations which will be addressed throughout the plan increment and that as Robust Review results are updated to address those limitations that the target values described within the plan sections below may need to be updated.

To determine if progress toward a net sum of accretions and depletions to the river upstream of Elm Creek within the CPNRD equal to or exceeding zero has been achieved and to determine progress toward meeting the goals and objectives of this IMP, the NeDNR and CPNRD will jointly perform a new Robust Review analysis in 2023 and 2027 to evaluate the overall effects to streamflow and assess the indicator and triggers below. Any analysis to compare future actions with these triggers must take into account the variability of actual future climate conditions and make a comparison using trended results.

As previously stated, the trend line is the average of the Robust Review results that vary due to the model inputs used for the future simulations. The results of analyses of future conditions and actions taken are not expected to match the Robust Review results. Any analysis of future conditions must take into account the variability of actual future climate conditions. Progress will be determined by comparing these results to the indicator and triggers discussed below. The new Robust Review may change the values found in Table

²¹ The protocol document, *Basin-wide Technical Committee Guidance Document – Procedures for Annual Accounting Review and Robust Review to Assist Integrated Management Planning and Facilitate Reporting to the Platte River Recovery Implementation Program*, can be found at <https://dnr.nebraska.gov/water-planning/other-upper-platte-river-documents>

1 and 2 under Goal 1 Objective 1.1 and therefore may change the target values the indicator and triggers. Figure 11 displays a timeline of the evaluation of the indicator and triggers with the values from the current Robust Review shown.

The indicator was established by considering the progress the CPNRD made during the first increment by reaching their goal of offsetting 2,500 AF. According to the 2019 Robust Review, by the end of the current increment, CPNRD will need to have offset a total 15,000 AF. That is 12,500 AF on top of the 2,500 AF from the first increment. CPNRD and NeDNR have agreed that by 2023, half of the 12,500 AF remaining offset requirement should be provided. That equates to 6,250 AF, in addition to the 2,500 offsets achieved in the first increment, by 2023.

A. Indicator – 2023 Short-Term

If, by the end of 2023, an accretion to the river upstream of Elm Creek within the CPNRD equal to or exceeding 8,750 acre-feet annually and every year thereafter throughout the current ten-year increment has not been met, the NeDNR and the CPNRD will jointly determine whether any additional regulatory actions will need to be put in place by the beginning of the 2025 irrigation season.

1. If the indicator has not been met by the end of 2023, but programs and/or projects that have been or will be implemented for the purpose of meeting this indicator will provide sufficient accretions to the river annually and every year thereafter throughout the current ten-year increment by the end of 2024, the NeDNR and the CPNRD will jointly determine that steps to implement regulatory actions will not be required

B. Trigger 1 – 2027 Short-Term

If, by the end of 2027, an accretion to the river upstream of Elm Creek within the CPNRD equal to or exceeding the annual values resulting from the most recent Robust Review that year and every year thereafter throughout the ten-year increment has not been met, the NeDNR and CPNRD will jointly determine what steps need to be taken to ensure that the agreed upon regulatory actions will be in place by the beginning of the 2028 irrigation season.

C. Trigger 2 – 2027 Long-Term

By the end of 2027, measures will be in place to achieve an accretion to the river upstream of Elm Creek within the CPNRD equal to or exceeding an annual rate of 70 percent of the 50-year long-term planning target (Table 2). If this trigger has not been met, the NeDNR and CPNRD will jointly determine what steps need to be taken to ensure that the agreed upon regulatory actions will be in place by the beginning of the 2028 irrigation season.

10.6.2.2 Elm Creek to Chapman

In order to determine whether additional groundwater regulatory actions are needed to maintain progress for the Platte River from Elm Creek to Chapman within the CPNRD, the annual stream accretion amounts shown in Table 3 under Goal 1 Objective 1.2 will be compared to the stream accretions resulting from the actions taken by the CPNRD and any new depletions resulting from new uses and increased depletions resulting from existing uses. Based on the information shown in Table 3, the stream accretions from existing management actions, projects, or programs have been provided in amounts necessary to obtain a net sum of accretions and depletions of greater than or equal to zero in the next increment (assumes accretions are represented as a positive number and depletions are negative) for the Elm Creek to Chapman reach. As long as the annual net sum of the accretions resulting from the actions taken by CPNRD and the annual depletions show a neutral to positive impact to the Platte River from Elm Creek to Chapman, regulatory actions will not be required in this reach.

At this time it is anticipated that annual progress will be tracked using an analytical accounting method, similar to that in the technical guidance document developed by the Upper Platte River Basin NRDs and the NeDNR²². The impacts calculated annually will be compared to the values in Table 3 in Chapter 9 of this IMP to make sure a neutral to positive balance is being maintained.

To determine if progress toward a net sum of accretions and depletions show a neutral to positive impact to the Platte River from Elm Creek to Chapman and to determine progress toward meeting the goals and objectives of this IMP, the NeDNR and CPNRD will jointly perform a new Robust Review analysis in 2023 and 2027 to evaluate the overall effects to streamflow, and assess the indicator and trigger milestones below. The New Robust Review analyses may change the values found in Table 3 under Goal 1 Objective 2 and therefore may change the target values the indicator and triggers.

A. Indicator – 2023 Short-Term

If, by the end of 2023, an accretion to the river between Elm Creek and Chapman maintaining a neutral to positive balance throughout the current ten-year increment has not been sustained, the NeDNR and the CPNRD will jointly determine whether any additional regulatory actions will need to be put in place by the beginning of the 2025 irrigation season.

²² The protocol document, *Basin-wide Technical Committee Guidance Document – Procedures for Annual Accounting Review and Robust Review to Assist Integrated Management Planning and Facilitate Reporting to the Platte River Recovery Implementation Program*, can be found at <https://dnr.nebraska.gov/water-planning/other-upper-platte-river-documents>

B. Trigger 1 – 2027 Short-Term

If, by the end of 2027, an accretion to the river between Elm Creek and Chapman to maintain a neutral to positive balance, dependent upon the annual values resulting from the most recent Robust Review that year and every year thereafter throughout the ten-year increment has not been met, the NeDNR and CPNRD will jointly determine what steps need to be taken to ensure that the agreed upon regulatory actions will be in place by the beginning of the 2028 irrigation season.

C. Trigger 2 – 2027 Long-Term

By the end of 2027, measures will be in place to achieve an accretion to the river between Elm Creek and Chapman equal to or exceeding an annual rate of 70 percent of the 50-year long-term planning target (Table 4). If this trigger has not been met, the NeDNR and CPNRD will jointly determine what steps need to be taken to ensure that the agreed upon regulatory actions will be in place by the beginning of the 2028 irrigation season.

Section 10.7 describes how progress toward achieving the indicator and triggers will be measured. The indicator and trigger values from Tables 1 and 3 come from the 2019 Robust Review analysis results trend line through the model data. The trend line is the average of the model results that vary due to climate inputs. It is not expected that the future modeled data will match the 2019 Robust Review analysis results exactly due to differences in the model inputs used for the analysis and future observed conditions. Any analysis to compare future actions with these triggers must take into account the variability of actual future climate conditions and make a comparison using trended results.

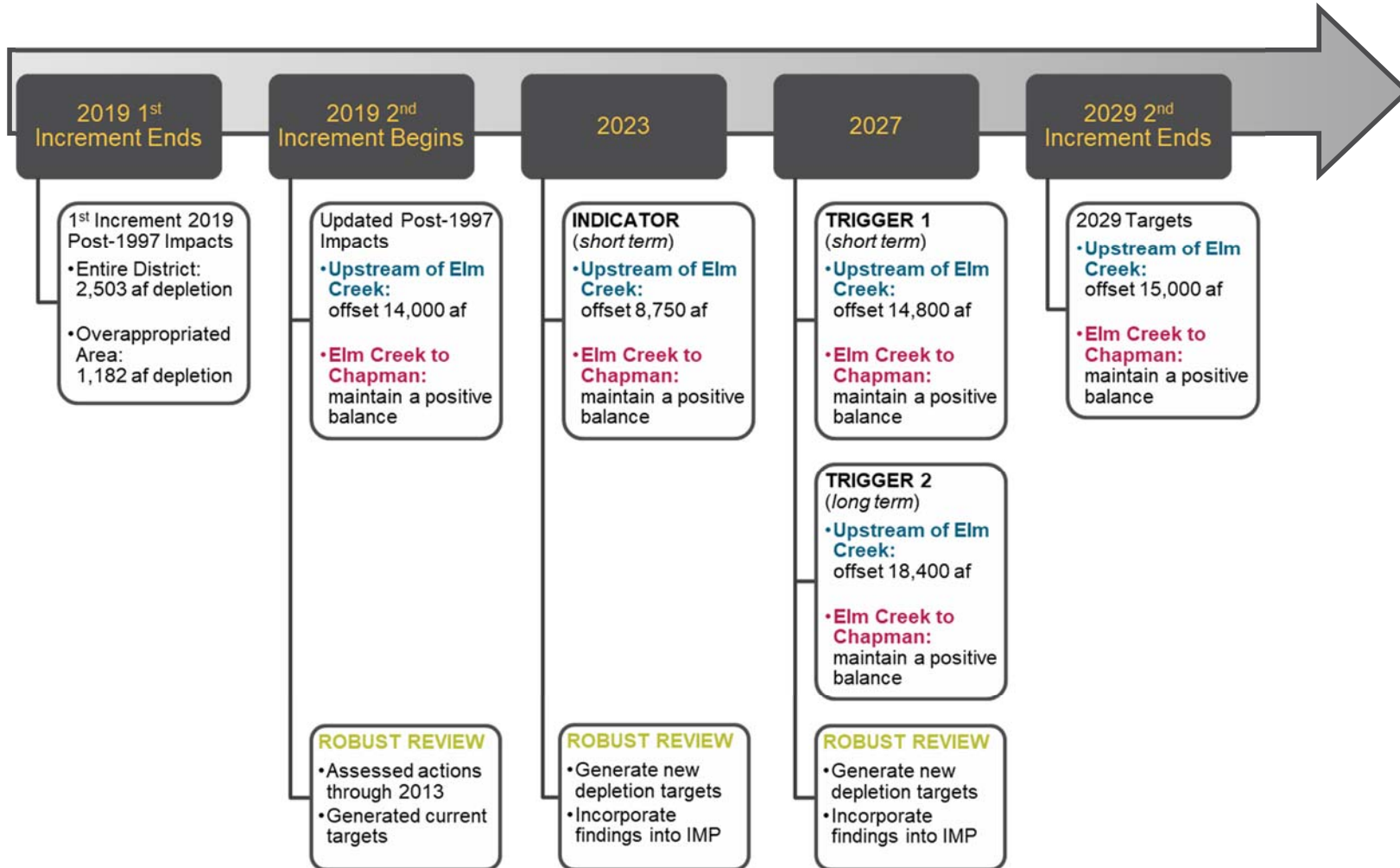


Figure 11. Timeline of milestones for the current increment: targets, indicators, triggers, and Robust Review analyses.

10.6.2.3 Groundwater Controls in Response to Triggers

At this time, the NeDNR and the CPNRD have identified the following groundwater controls as potential regulatory actions that may be implemented in response to triggers.

Prior to implementation of any of the groundwater controls listed below, the CPNRD and the NeDNR will agree to the method of implementation and the methods used to measure the success of the control(s) in reaching the goals and objectives of Chapter 9 of this IMP.

In order to reach these goals and objectives, a limit on the amount of consumptive use on certified irrigated acres within the boundaries of the District may be implemented. The methods by which a limit on the amount of consumptive use would be implemented include, but are not limited to, the following:

A. Crop Rotation (*Neb. Rev. Stat. § 46-739(b)*)

Crop rotation would mean planting a mix of crops that would have an upper limit on the consumptive use within the amount determined by CPNRD and the NeDNR over a specified period of years for the certified irrigated acres.

B. Reduction of Certified Irrigated Acres

A reduction of irrigated acres would mean a set percentage reduction in certified irrigated acres. The percentage of the reduction would be determined prior to the implementation of the control and agreed to by CPNRD and the NeDNR.

10.6.3 Surface Water Regulatory Actions (Controls)

10.6.3.1 Summary of Surface Water Controls

The following surface water controls as authorized by *Neb. Rev. Stat. § 46-716* will be implemented and/or continued by the NeDNR. The NeDNR will periodically review the controls being implemented to carry out the goals and objectives of this IMP. The NeDNR may adjust, modify, expand, or add controls, based on the annual reviews of the progress being made toward achieving the goals of this IMP, and pursuant to *Neb. Rev. Stat. § 46-715(5)(d)(ii)*. No controls may be removed, however, unless and until the CPNRD and the NeDNR amend this IMP. The controls may not be modified in such a manner as to conflict with the goals and objectives of this IMP.

- A.** The NeDNR will continue the moratorium on new surface water appropriations in the portion of the Upper Platte River Basin within the boundaries of the CPNRD, unless a variance is granted by the NeDNR according to its rules.
- B.** The NeDNR will continue to require measuring devices for new appropriations and to close any non-metered diversions during times of shortage regardless

of priority in the portion of the Upper Platte River Basin within the boundaries of the CPNRD.

- C. Transfers of surface water appropriations will be in accordance with statutes and NeDNR rules.
- D. The NeDNR shall continue to administer surface water appropriations according to the provisions of the permit, statute, NeDNR rules and regulations, and any applicable interstate compact decree or agreement.
- E. The NeDNR shall continue to monitor the use of surface water to prevent unauthorized uses.
- F. For conjunctive management projects as described in Section 10.4, the NeDNR may, via the permit approval process, require additional monitoring, measurements, and reporting of diversions, returns, seepage, and/or evaporation.
- G. Except as provided in (1). below, the NeDNR will not require surface water appropriators to apply or use conservation measures.
 - 1. If, at some point in the future, the NeDNR requires surface water appropriators to apply or use conservation measures, in accordance with *Neb. Rev. Stat. § 46-716(2)*, the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eighty (180) days unless extended by the NeDNR, to identify conservation measures to be applied or used and to develop a schedule for such application and use.
- H. Except as provided in (1) and (2) below, the NeDNR will not require any other reasonable restrictions on surface water use.
 - 1. If, at some point in the future, the NeDNR requires other reasonable restrictions on surface water use, such restrictions must be consistent with the intent of *Neb. Rev. Stat. § 46-715* and the requirements of *Neb. Rev. Stat. § 46-231*.
 - 2. If, at some point in the future, the NeDNR requires other reasonable restrictions on surface water use, in accordance with *Neb. Rev. Stat. § 46-716(2)*, the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred eighty (180) days unless extended by the NeDNR, to comment on the proposed restrictions.

10.6.3.2 Summary of Variance, Application, and Transfer Process Considerations

The following are summaries of NeDNR's variance process, application review process, and transfer process. For full details of these processes, please refer to the applicable statutes and NeDNR rules.

A. Variance process for new surface water appropriations

1. *Department of Natural Resources Rules for Surface Water, Title 457* provides a process in which a person may request permission to file an application for a new surface water right in a moratorium area.
2. Prior to filing an application in a moratorium area, a person must first petition the NeDNR for leave (request permission) to file an application in a moratorium area. These petitions are called a "variance," or a "variance petition."
3. Because the Upper Platte River Basin is currently undergoing integrated management for the purposes of reducing depletions to streamflow, any new consumptive use or retiming of stream base flow must be examined for its potential effects on extant surface water and groundwater users and upon all matters of significant public interest and concern. This includes assessing both positive and negative impacts on the State's ability to comply with interstate agreements, programs, decrees and compacts, including PRRIP. Thus, any proposed project must be scrutinized to prevent conflict with (a) the goals and actions necessary to implement the IMPs adopted by the Upper Platte River Basin NRDs and the NeDNR and (b) the water needs of projects that will be implemented under PRRIP. Applications for potential beneficial uses that are not clearly non-consumptive will be presumed to be at least partially consumptive.
4. Therefore, an analysis of the effects of a proposed new diversion on existing uses and responsibilities is required in order to determine whether sufficient good cause exists to grant a variance to apply for a new use.
5. Within the process for granting a variance the NeDNR shall review the information provided with the petition and shall make a determination as to whether it is sufficient to indicate good cause for allowing further consideration of the application.
 - a. *Nebraska Revised Statute § 46-706* defines "good cause shown" as, "a reasonable justification for granting a variance for a consumptive use of water that would otherwise be prohibited by rule or regulation and which the granting agency, district, or organization reasonably and in good faith believes will provide an economic, environmental, social, or public health and safety benefit that is equal to or greater than the benefit resulting from the rule or regulation from which a variance is sought;"

6. The goals and objectives of this IMP will be considered when examining applications for new diversions of excess flows (unappropriated water) in the Platte River Basin. In fully appropriated and overappropriated areas, projects designed to meet the goals and objectives of the IMP are of primary importance. In addition to showing good cause in support of the goals and objectives, the effectiveness of each project will be considered. Operational plans that demonstrate effective use of water along with measuring and monitoring will be prioritized. In assessing the public interest and whether a new project should receive an appropriation, the NeDNR must consider how the project will support the goals of the basin-wide plan and IMPs within the Platte River Basin and reasonable conditions that will need to be imposed on prospective appropriations to ensure that over the long term the best use continues to be made of the limited water resources in the basin. Administering new appropriations that are issued for the purpose of achieving these goals and objectives may require other excess flow diversion projects to be limited or curtailed. These requirements will be clearly established within each new appropriation when issued.
7. If the NeDNR grants the variance petition, the petitioner may then file the application for the project. The decision to grant the petition shall not bind the Director of NeDNR (Director) to approve any application to which it relates, or in any way be used as evidence of prejudice for the Director's future decisions concerning the specific approval requirements of such an application. The NeDNR will specify the conditions under which an application may be filed in order to protect the public interest.

B. Application Review Process

1. The NeDNR's application review process is driven by Nebraska statutes, including but not limited to *Neb. Rev. Stat. § 46-233 to 46-235*. The following is not an exhaustive list of all factors used to reach a decision on approval or denial of an application.
2. There must be unappropriated water available in the source of supply and requirements of a variance petition approval must be met and agreed upon by the applicant.
3. The proposed use must be determined to be beneficial.
4. An appropriation must not be detrimental to the public welfare.
5. Denial of the application is not demanded by the public interest.
6. If the application will be approved, the NeDNR will impose conditions to protect other appropriators and the public interest.

C. Transfer Review Process

Using criteria set out in *Nebraska Revised Statutes*, Chapter 46, regarding transfers, the Director shall review an application for a transfer proposing a change in the location of use; type of appropriation; and or purpose of use, including but not limited to the following:

1. The proposed use of water after the transfer or change will be a beneficial use of water;
2. A request to transfer the location of use is within the same river basin;
3. The change will not diminish the supply of water available or otherwise adversely affect any other water appropriator;
4. The quantity of water that is transferred for diversion or other use at the new location may be the historic consumptive use;
5. The appropriation is not subject to termination or cancellation;
6. If the transfer is to be permanent the preference category may not change;
7. If the transfer is to be temporary, it will be for no less than one year;
8. The transfer or change will not be inconsistent with any applicable state or federal law and will not jeopardize the state's compliance with any applicable interstate water compact or decree or cause difficulty in fulfilling the provisions of any other formal state contract or agreement;
9. The transfer will be in the public interest.
 - a. Consistent with *Neb. Rev. Stat. § 46-294*, the Director's considerations relative to the public interest shall include, but not be limited to, 1) the economic, social, and environmental impacts of the proposed transfer or change and 2) whether and under what conditions other sources of water are available for the uses to be made of the appropriation after the proposed transfer or change.
 - b. Transfers subject to *Department of Natural Resources Rules for Surface Water, Title 457 Neb. Admin. Code, Chapter 9, § 002*, are required to be determined to be in the public interest, "...the Director shall determine whether the benefits of the proposed transfer outweigh any adverse impacts that might occur giving consideration to the economic, social and environmental impacts and whether and under what conditions other sources of water are available for the uses to be made of the appropriation after the proposed transfer or change."
10. The Director may impose any reasonable conditions deemed necessary to protect the public interest.

10.7 Monitoring and Evaluation

The overarching purpose of the monitoring and evaluation Section of this IMP is to ensure that the CPNRD reach and/or maintain a fully appropriated condition. The objective of the monitoring and evaluation Section is to gather and evaluate data, information, and methodologies that could be used to increase understanding of the surface water and hydrologically connected groundwater system, to test the validity of the conclusions and information upon which this IMP is based, and to assist decision makers in properly managing the water resources within the District. The described monitoring actions and evaluations are also important in ensuring the state remains in compliance with the NNDP and in keeping the IMP current.

Various methods will be employed to monitor and evaluate the implementation and progress of this IMP. Sections 10.7.1 and 10.7.2 describe the tracking and reporting of water use activities within the District by CPNRD and the NeDNR. The rest of Section 10.7 describes the analyses that will evaluate the progress that has been made toward: addressing streamflow depletions due to new uses begun subsequent to July 1, 1997 (Section 10.7.3); reaching a fully appropriated condition (Section 10.7.4); maintaining a fully appropriated condition (Section 10.7.5); and evaluating whether a subsequent increment is necessary to meet the goals and objectives of this IMP (Section 10.7.6). Statute describes both an annual review (*Neb. Rev. Stat. § 46-715(5)(d)(ii)*) and a second more robust review of new and expanded uses and associated mitigation actions (*Neb. Rev. Stat. § 46-715(5)(d)(iii)*), covered in Section 10.7.3.

10.7.1 Data and Tracking of Water Use Activities

Data from the Upper Platte River Basin NRDs will be reported in a consistent format across the basin and from year to year to simplify the process of compiling data for the annual review and the Robust Review. A database will be developed to house this data. This database will facilitate the updating of model datasets.

Occasionally, actions for which permits are issued may not actually be implemented. For example, a well permit may be issued, but the well not actually drilled. Because of this, in order to maintain accurate records of actual land use, annual permit and land use data should be updated within the database at the end of the next calendar year to reflect which actions did and did not take place. This includes NeDNR sharing information on any surface water permits cancelled in the calendar year (including temporary permits that expired one year after they are issued). This will help in creating yearly land use datasets when it is time to conduct the Robust Review. Ideally, the permit data should reflect an annual snapshot of changes in land use for that year. This will help update annual land use datasets for the models which will be used for the Robust Review.

A. NRD Tracking

The CPNRD will be responsible for annually tracking and sharing with the NeDNR information on the following activities within the District:

- Certification of groundwater uses and any changes to these certifications
- Approved transfers, including all of the information provided with the application and used in the approval of the transfer, the location of the land area or well that is being transferred, and the location of the land area or well that will replace the original; including water bank transactions
- Relevant flow meter data collected
- Any water well construction permits issued
- Any other permits issued by the CPNRD
- Any conditions associated with any permits issued
- Information gathered through the municipal and non-municipal industrial accounting process
- Any variances issued, including the purpose, the location, any required offset, the length of time for which the variance is applicable, and the reasoning behind approval of the variance
- Any retirements of irrigated acres or other activities by the CPNRD for the purpose of returning to a fully appropriated condition
- Offsets provided for depletions resulting from increased consumptive use related to the above listed items
 - This includes reporting on offsets and mitigation activities for the purpose of addressing post-1997 depletions and for the purpose of sustaining previous increment progress and reaching a fully appropriated condition. Such activities to be reported include canal diversions for the purpose of groundwater recharge, operation of stream augmentation projects, and irrigated acre retirements.
- Summary of available conservation plans of municipalities and industries within the basin including strategies that could be applied to other municipalities in the basin (at the Basin-Wide Annual Meeting)

B. NeDNR Tracking

The NeDNR will be responsible for annually tracking and sharing with the CPNRD information on the following activities within the District:

- Any surface water permits issued
- Any dam safety permits issued
- Any groundwater permits issued
- The associated offsets for any new permits issued
- Any retirements of irrigated acres or other activities by the NeDNR for the purpose of returning to a fully appropriated condition

As new data would show a need for further analysis and to the extent that CPNRD meter data or other methods of estimation are not available to determine the consumptive use of water due to livestock, human water use, sandpits and reservoirs less than 15 AF, the NeDNR will be responsible for tracking and reporting on the following activities within the District in the current increment:

- National Agricultural Statistics Service livestock data
- US Census Bureau population data
- Inventory of sandpits
- Inventory of reservoirs of less than 15 AF
- Any necessary offsets provided for depletions resulting from increased consumptive use related to the above listed items

10.7.2 Reporting

An annual review of the progress toward achieving the goals and objectives of the ten-year increment will include annual reporting by the NeDNR and the CPNRD of the information being tracked as described above.

Data will be analyzed to assess the collective amount, timing, and locations of both the depletions to streamflows resulting from new or expanded uses and of all mitigation actions. This will involve a simple analysis of impacts to streamflows resulting from permitted changes, which will not require model runs. These analyses will be done using the agreed upon methods and tools. Methods and tools used will be available to the stakeholders and the public. This information will be shared between the CPNRD and the NeDNR, presented at the Basin-Wide Annual Meeting. The data collected will then be trimmed to the relevant PRRIP area, analyzed, and used for required annual and periodic for the NNDP, helping facilitate Nebraska's compliance with the NNDP.

The reports from the CPNRD and the NeDNR should include information on the location, amount, and timing of the depletions caused by each permitted new or expanded water use, as well as the associated offset and the location, amount and timing of the offset's accretions to the river. The depletions and/or the accretions should be reported for each year throughout the ten-year increment.

These reports should be made available at least four weeks prior to each Basin-Wide Annual Meeting. The format of the reports will be standardized as agreed to by the NeDNR and the Upper Platte River Basin NRDs.

The reported information will be used as appropriate in the evaluation process as described below. Data from the NeDNR and CPNRD annual reports will be used to prepare reports to the Governance Committee of the PRRIP on status and activities related to the NNDP. The NeDNR will generate these reports and will coordinate with the CPNRD to ensure the accuracy of data within any final report.

10.7.3 Evaluation: Measuring the Success of Meeting the Goals and Objectives of this IMP

Measuring the success of this IMP in addressing streamflow depletions due to new uses begun subsequent to July 1, 1997, and maintaining progress.

10.7.3.1 Annual Review

In order to meet the requirements of *Neb. Rev. Stat. § 46-715(5)(d)(ii)*, the data contained in the annual reports submitted by the CPNRD and the NeDNR will be reviewed and analyzed annually to assess the progress toward achieving the goals and objectives of Chapter 9 of this IMP for the current ten-year increment. The annual review will consider both the near-term and long-term effects of any permitted new consumptive uses. A 50-year stream depletion curve, based on the COHYST 2010 stream depletion analysis, may be used to assess the impacts of any new uses contained within the annual reports to show the long-term potential impacts of annual changes.

10.7.3.2 Robust Review

In addition to the annual review, a more robust review of the progress being made toward achieving the goals and objectives of Chapter 9 of this IMP for the current ten-year increment will be carried out periodically. This analysis will be developed to meet the requirements of reporting for the NNDP as well as *Neb. Rev. Stat. § 46-715(5)(d)(iii)* to determine whether the measures adopted in this IMP are sufficient to offset depletions due to post-July 1, 1997, water uses and sustain progress toward a fully appropriated level of water use. A Robust Review will be conducted in 2023 and 2027. The purpose of these Robust Reviews will be to address the indicator and triggers outlined in Section 10.6.2 of this IMP, which helps measure progress toward reaching the targets from Chapter 9.

The process for the review is described below. The previous Robust Review will also serve as guidance for conducting the next one. The general method for conducting the Robust Review will be as follows:

- A. The groundwater models used for this process will be calibrated to streamflows/baseflows and groundwater levels in the area with the ability to assess the impacts on a monthly basis. The groundwater models will be updated periodically to simulate the management practices that have been implemented to date. The evaluation period of these models will be 50 years into the future.
- B. The following groundwater model runs will be conducted to measure the success toward reaching Objective 1.2:
 1. **The 1997 Development Level Run**

A model run that simulates holding the number of irrigated acres and crop types or mix in 1997 constant through the current date and the 50-year projection period. Unless better data is available, to estimate 1997 levels of consumptive use, it will assume the full crop irrigation requirement for the crop types or mix. The run will be conducted using climate data through the current date and will include a 50-year projection using an agreed to climate pattern.
 2. **The Historical Run**

A model run that simulates the actual annual changes of the irrigated acres, excess flow recharge events, retirements, allocation effects, augmentation projects, and other water management regulations or projects throughout the evaluation period starting in 1997 through the current date and the 50-year projection period. The 50-year projection period will repeat an agreed to land use, regulation, or project dataset. The model will use available flow meter data or, in the absence of flow meter data, assume the full crop irrigation requirement was met at all times. The run will be conducted using data through the current date and will include a 50-year projection using an agreed to climate pattern.
 3. **Difference between the 1997 Development Level Run and the Historical Run**

The simulated output from each model run will be compared to determine the difference in the baseflow that has resulted from post-1997 development. Effects on streamflows from allocations and landuse changes are reflected in this comparison because both meter data and landuse changes are used to determine groundwater pumping for the two Runs.

4. Other Management Actions Analyses not Covered by the Models

If other management actions are taken to offset streamflow depletions due to new uses begun subsequent to July 1, 1997, accretions resulting from those retirements will be determined using agreed upon methodologies. This would include conjunctive management activities that are not otherwise captured in the models.

5. Evaluation Results

For Objective 1.1 and 1.2 to be considered achieved, the results of combining the difference between the 1997 Development Level Run and the Historical Run with the addition of management action accretions not covered by the models must be greater than or equal to zero.

$$(Q_h - Q_d) + (S_a) = D_{net}$$

Where:

Q_h = Simulated streamflow/baseflow from the Historical Run

Q_d = Simulated streamflow/baseflow from the 1997 Development Level Run

S_a = Other Management Action Accretions

D_{net} = Net Depletions

Note: In equation above, streamflow/baseflow is positive

- C. An additional groundwater model run will be conducted to measure total depletions. This will be the Pre-Development Run. The Pre-Development Run will compare the Historical Model Run with a simulation of no groundwater development to determine the total depletions associated with all groundwater only land use development. The run will be conducted using climate data through the current date and will include a 50-year projection using the Historical Run's agreed-to climate pattern.

1. Total Depletions Evaluation

$$(Q_h - Q_p) = D_t$$

Where:

Q_h = Simulated streamflow/baseflow from the Historical Run

Q_p = Simulated streamflow/baseflow from the Pre-Development Level Run

D_t = Total Depletions

Note: In equation above, streamflow/baseflow is positive

- D. If integrated models are used to assess impacts to the total streamflow, the methods to be used will be developed jointly between NeDNR and the Upper Platte River Basin NRDs to properly design and constrain those analyses so that

the results can be used to assess progress toward the goals and objectives of the plan.

- E. Municipal, Industrial, Domestic and Livestock use will be evaluated as part of the Robust Review.
 1. Data will continue to be collected on the water use of municipalities and industries within the basin.
 - a. Gather information on total pumping, consumptive use, and timing of any return flows and collect data on water use efficiency and conservation methods being employed.

10.7.4 Evaluation: Measuring the Success of Reaching a Fully Appropriated Condition

A technical analysis to support and evaluate effectiveness of this IMP and adequacy in sustaining progress toward a fully appropriated level of water use must be conducted.

Because a fully appropriated condition is not currently determined, the NeDNR and the CPNRD will continue work on outlining the process that will measure the success of reaching the fully appropriated condition once that condition has been determined. The NeDNR and CPNRD will continue to refine the methodology used to determine the difference between the current and fully appropriated levels of development in each of the Upper Platte River NRDs.

The evaluation of the difference between current and fully appropriated levels of development is tied to statute and the current rules of the NeDNR for declaring a basin fully appropriated. Statute requires that this evaluation will:

- take into account cyclical supply, including drought
- identify the portion of the overall difference that is due to conservation measures
- identify the portion of the overall difference that is due to water use initiated prior to July 1, 1997
- identify the portion of the overall difference that is due to water use initiated or expanded on or after July 1, 1997

The current NeDNR rules for determining fully appropriated status include evaluation of the most junior appropriator's access to water, adjustments for lag effect of groundwater depletions and accretions on water supplies, and consideration of instream flows, among other guidance for conducting the analysis. The rules also provide flexibility for NeDNR to "...utilize a standard of interference appropriate for the use, taking into account the purpose for which the appropriation was granted..."²³ for uses which are not defined in the rule. These include storage and hydropower appropriations, which are significant appropriators in the

²³ *Department of Natural Resources Rules for Surface Water, Title 457 Neb. Admin. Code, Chapter 24, § 001.01B.*

Upper Platte River Basin. NeDNR and the Upper Platte River Basin NRDs have and will continue to work with impacted water users on the process for determining the difference between the current and fully appropriated condition of the basin.

The assessment of total depletions and the INSIGHT analysis of supplies and demands are examples of approaches that may be used to assist in this evaluation.

10.7.5 Evaluation: Measuring the Success of Maintaining a Fully Appropriated Condition

Because a fully appropriated condition is not currently determined, the NeDNR and the CPNRD will work on outlining the process that will measure the success of maintaining a fully appropriated condition once that condition has been determined. If during this increment it is determined that a fully appropriated condition has been reached, the CPNRD and NeDNR will continue to monitor the actions taken in this IMP to ensure that all goals and objectives are maintained.

10.7.6 Evaluating the Need for a Subsequent Increment

The NeDNR and the CPNRD will carry out the studies and the technical analysis as specified in *Neb. Rev. Stat. § 46-715(5)(d)(iii)* to determine whether or not a subsequent ten-year increment is necessary. This will include a process to test the validity of the conclusions and information upon which this IMP is based, as required by *Neb. Rev. Stat. § 46-715(2)(e)*.

Within the current ten-year increment, the NeDNR and the CPNRD will continue to refine the estimation methodology used to calculate the difference between the current and fully appropriated levels of development in accordance with *Neb. Rev. Stat. § 46-715(5)(c)*. The evaluation of fully appropriated levels of development will be supported through the following:

- A. Determine the changes in recharge from surface water diversions and the impacts of those changes on streamflow using readily available data.
- B. Determine the changes in groundwater irrigation, municipal, industrial, domestic, livestock and other uses and the streamflow depletions caused by those changes using readily available data.
- C. Determine the effects of conservation measures on streamflows.
- D. Determine the timing and location of the net changes in streamflow.
- E. Determine when streamflow changes impact existing users, taking into account the effects of cyclical supply (e.g. drought).
- F. Evaluation of the existing balance of water uses and water supplies and associated economic viability, social and environmental health, safety, and welfare of the basin.
- G. The NeDNR and the CPNRD will review other data and/or methodologies relevant or significant to the process.

The process described above in this Section will focus on uses initiated prior to July 1, 1997, and their impacts on hydrologically connected streamflows. All uses initiated subsequent to July 1, 1997, will be evaluated using the process described in Section 10.7.3.

10.8 Studies to be Completed in the Current Increment

10.8.1 Priority Studies

The Basin-Wide Plan calls for several studies and collection of information within the basin. Those studies and information are also critical to the successful implementation of this IMP. The studies include:

- Collect data on commingled acres to identify, quantify, and proportion the source and quantity of water used on acres irrigated with both surface water and groundwater. Gather data on water use on such lands (both why and when irrigators use surface water or groundwater).
- Conduct a study that identifies water users that are affected during cyclical variations in water supply. This hydrologic element analysis will be conducted by NeDNR and the Upper Platte River Basin NRDs by evaluating data such as stream gage and diversion records, and well hydrograph data. Focused surveys of, as well as meetings with basin water users can be used to build on stakeholder input gathered throughout the planning process. Once impacted water users who are hydrologically affected by water supply variability are identified, economic impacts can be estimated.
- NeDNR and the Upper Platte River Basin NRDs will collaborate with impacted water users and other entities to gather relevant economic data. Potential partners include economists and other subject matter experts familiar with the economic drivers of the basin who can help identify data needs and formulate the tools and methodologies for assessing economic impacts. The tools and methodologies will be used to not only evaluate impacts of supply variability, but also evaluate human-made depletion impacts, management actions, regulatory actions, and potential projects or other activities considered during implementation that may affect water availability.
- Study economic impacts of drought, which will be a component of the drought plan.
- Study potential for developing markets and transfer protocols for annual surface water and groundwater supplies.
- Study management options of storage water (both surface water reservoirs and aquifer storage; and existing and potential new storage) to provide flexibility and increase resiliency of water supplies.

10.8.2 Potential Studies

There are many other factors that have the ability to impact streamflows. It is important to investigate these things to assess their potential effectiveness in achieving the goals and objectives of this IMP and identify new potential management actions. Pursuit of these studies will be contingent upon budget and staff resources.

The following potential studies have been identified by the NeDNR and the CPNRD:

- Crop rotation
- Vegetation management
- Irrigation scheduling
- A survey of the type and location of irrigation systems throughout CPNRD
- Tillage practices
- Other best management practices
- Conjunctive management – continue to investigate effects of projects within CPNRD and look for new opportunities
- Water budget analysis
- Invasive species
- Conservation measures – continue to investigate the effects of the implementation of these measures and their level of use within CPNRD

10.9 Review and Modification of the IMP

10.9.1 IMP Revisions

During implementation of the IMPs, NeDNR and the Upper Platte River Basin NRDs will monitor IMP actions consistent with the analyses and methods contained in the Basin-Wide Plan and amend the IMP if activities are determined by the parties to not be capable of meeting goals. If NeDNR and an Upper Platte River Basin NRD determine that management actions have not provided or maintained the offsets required to meet the goals of the Basin-Wide Plan, they will agree to increase offset activities to the extent possible and revise the individual NRD's IMP if necessary. These revisions may include additional controls to meet goals of the IMP.

- A. The CPNRD and the NeDNR will jointly determine whether amendments to this IMP are necessary. Any proposed modifications will be discussed at the Basin-Wide Annual Meeting. Situations that may prompt revision or modification of this IMP are described below.

1. The CPNRD and the NeDNR may amend this IMP after the annual review of progress being made toward achieving the goals and objectives of Chapter 9 of this IMP.
 2. If the Robust Review indicates annual depletion or accretion values different from those in Goal 1 Table 1, revisions may be necessary.
 3. NeDNR and the CPNRD may amend this IMP as more data and information become available, as provided in *Neb. Rev. Stat. § 46-715(5)(d)(ii)*.
 4. If the Basin-Wide Plan is revised and therefore this IMP needs to be revised for consistency, this IMP will be revised in accordance with *Neb. Rev. Stat. § 46-715(5)*.
- B. An advisory or stakeholder group may be convened for input on proposed IMP changes, at the discretion of the CPNRD and NeDNR.
- C. If the CPNRD and NeDNR agree on revisions to this IMP, then a hearing will be held to solicit formal comment. Revisions to this IMP shall be provided to all other Upper Platte River Basin NRDs in the overappropriated basin for comment before revisions are approved.

10.9.2 Basin-Wide Plan Disputes

- A. If a dispute is presented at the annual meeting as described in the Basin-Wide Plan, the Upper Platte River Basin NRDs and the NeDNR will determine whether or not the dispute has hydrologic impact. If it is determined that the dispute does have hydrologic impact, then the Upper Platte River Basin NRDs and the NeDNR will determine whether the dispute pertains to all of the Upper Platte River Basin NRDs or just to individual NRD(s).
- B. If the dispute pertains to all of the Upper Platte River Basin NRDs, the Upper Platte River Basin NRDs and the NeDNR will conduct an investigation to determine what management actions will address the dispute(s) in the Basin-Wide Plan and/or the IMPs. If the management action pertains to this IMP, it will be revised accordingly.
- C. If the dispute is not a basin-wide issue, but pertains to the CPNRD, the NeDNR, the CPNRD, and any other affected Upper Platte River Basin NRD(s), working with the affected water user(s), shall develop management solutions as appropriate to address the issue(s).
- D. Disputes related to the implementation of the IMP will also be discussed.

10.9.3 Additional Ten-Year Increment

Based on the results of the technical analyses described in Section 10.7.3, the CPNRD and the NeDNR will evaluate the need for a subsequent increment. This includes determining whether post-July 1, 1997, depletions have been offset and the progress made toward achieving a fully appropriated condition or maintaining such a condition.

If it is determined from these technical analyses that a subsequent ten-year increment is needed to meet the goals and objectives of this IMP, then pursuant to *Neb. Rev. Stat. § 46-715(5)(d)(iv)*, the goals and objectives for the subsequent ten-year increment will be developed using the consultative and collaborative process described in *Neb. Rev. Stat. § 46-715(5)(b)*. The subsequent ten-year increment IMP shall be completed, adopted, and take effect not more than ten years after adoption of this IMP.

NeDNR and the individual Upper Platte River Basin NRDs will engage stakeholders in a collaborative process in the development of goals and objectives for a subsequent increment of the individual IMPs if necessary. The need for a subsequent increment will be determined through the Robust Review process completed at the end of the current increment and described in Section 10.7.3. Should a subsequent increment be necessary, the planning process will be initiated by NeDNR and each Upper Platte River Basin NRD developing a public participation plan that outlines the stakeholder engagement process for the NRD's IMP, including identification of participants/parties, definition of roles, decision making protocols, planning processes, and timelines. This public participation plan serves as a reference guide for participants as well as the public throughout the planning process. This effort is analogous to the basin-wide collaborative process described in the Basin-Wide Plan, but focused on the individual Upper Platte River Basin NRD stakeholder collaboration. The public participation plan developed for the current increment Basin-Wide Plan can be found as an appendix to the *Second Increment Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska*.

This page intentionally left blank.

Appendix A:
Glossary of Terms

Glossary of Terms

Central Platte Natural Resources District IMP

Term	Definition
Accretion	Addition to streamflow that results from an offset/mitigation action or project.
Acre-foot (AF)	Volume of water required to cover one acre of land to a depth of one foot (43,560 cubic feet), equivalent to 325,851 gallons.
Action Item	A specific task that the NRD or NeDNR (or both) will undertake to achieve the goals and objectives of the Integrated Management Plan.
Appropriation	A permit granted by NeDNR to use surface water for a beneficial use in a specific amount, purpose, and location, and is based on first-in-time, first-in-right.
Aquifer	A geological formation or structure of permeable rock or unconsolidated materials that stores and/or transmits water, such as to wells and springs.
Basin-Wide Plan	Following <i>Nebraska Revised Statute § 46-715</i> , a Basin-Wide Plan is required to be developed for areas designated as overappropriated. Overall, basin-wide plans provide a more general framework than IMPs, focusing on regional, cross-boundary issues and opportunities such as those related to hydrologic connectivity and management strategies that cross the NRDs' borders.
Beneficial Use	That use by which water may be put to use to the benefit of humans or other species.
Certified Acres	Lands identified and registered with the District greater than one acre which has water applied for irrigation.

COHYST	Originally developed in 1998 as part of COHYST (the Cooperative Hydrology Study), the COHYST 2010 Model and Western Water Use Management (WWUM) Model were later split into separate models because the geology, climate, and land management of the central portion of the state were determined to be significantly different from those of the western reaches of the state. The COHYST 2010 Model includes a portion of the Platte River Basin, extending westward from Chapman to the upstream end of Lake McConaughy. While the original COHYST model was initially focused only on groundwater modeling, the COHYST 2010 Model now also takes surface water into account. The final model includes a surface water operations model, a groundwater flow model, and a soil-water balance model.
Conjunctive Management	The coordinated and combined process that utilizes the connection between surface and groundwater to maximize water use, while minimizing impacts to streamflow and groundwater levels in an effort to increase the overall water supply of a region and improve the reliability of that supply.
Consumptive Use	The amount of water that is consumed under efficient practices, which satisfies the appropriation without waste. The amount of water removed from available supplies without return to a water resources system.
Depletion	Reduction to streamflow that results from a new use of either groundwater or surface water.
District	The Central Platte Natural Resources District (CPNRD). A political subdivision of the State responsible for protection and management of the natural resources within the boundaries of the district.
EQIP	The Environmental Quality Incentives Program is a voluntary program through the Natural Resources Conservatin Service (NRCS) that provides agricultural producers with financial resources to plan and implement improvements, or conservation practices to improve air and water quality, healthier soil, and better wildlife habitat, all while improving agricultural operations.

Fully Appropriated	From <i>Nebraska Revised Statute</i> § 46-713, subsection (3): A river basin, subbasin, or reach shall be deemed fully appropriated if NeDNR determines based upon its evaluation conducted pursuant to subsection (1) of this section and information presented at the hearing pursuant to subsection (4) of section 46-714 that then current uses of hydrologically connected surface water and ground water in the river basin, subbasin, or reach cause or will in the reasonably foreseeable future cause (a) the surface water supply to be insufficient to sustain over the long term the beneficial or useful purposes for which existing natural-flow or storage appropriations were granted and the beneficial or useful purposes for which, at the time of approval, any existing instream appropriation was granted, (b) the streamflow to be insufficient to sustain over the long term the beneficial uses from wells constructed in aquifers dependent on recharge from the river or stream involved, or (c) reduction in the flow of a river or stream sufficient to cause noncompliance by Nebraska with an interstate compact or decree, other formal state contract or agreement, or applicable state or federal laws.
Goal	A general statement of broad direction or intent with no time line.
Groundwater	Water which occurs in or moves, seeps, filters, or percolates through ground under the surface of the land, and shall include groundwater which becomes commingled with waters from surface sources.
Hydrologically Connected	A geographic area where groundwater and surface water are interconnected and withdrawals of one source may influence the availability of the other. In <i>Nebraska Revised Statutes</i> , hydrologically connected waters are those where deep well pumpage over a 50-year period will deplete stream flows by 10 percent of the amount pumped over that time.
INSIGHT	Developed and maintained by NeDNR, INSIGHT stands for an Integrated Network of Scientific Information and GeoHydrologic Tools. The purpose of INSIGHT is to provide an annual snapshot of water conditions across the state. Hydrologic data are consolidated from several different sources, including the NeDNR, U.S. Geological Survey, U.S. Bureau of Reclamation, and local natural resources districts and presented in charts for the following categories: water supplies, water demands, nature and extent of use, and water balance. These data are presented in a consistent format and become more local as the user drills down from the statewide level to the basin-wide and subbasin levels using the database interface.

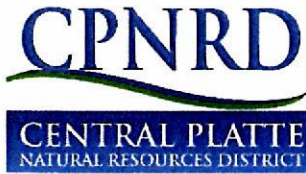
Instream Use	Water that is appropriated for use within the stream and is not withdrawn from a surface water source.
Integrated Management Plan (IMP)	A plan cooperatively developed by NeDNR and an NRD for the purpose of managing a river basin, subbasin, or reach to achieve and sustain a balance between groundwater and surface water uses and water supplies for the long term.
Irrigation	The artificial application of water to promote the growth of vegetation.
Irrigation Well	A well that provides water for purposes of irrigation for more than two acres of crops and other plants.
LB 962	A bill passed by Nebraska Legislature in 2004 that allows leases of surface water, changes administration of surface water rights, establishes a proactive approach to the integrated management of hydrologically connected groundwater and surface water, and creates funds to direct money toward data gathering, research, conservation, and implementation of integrated management plans in fully and overappropriated basins.
Moratorium	A legally authorized suspension of drilling of groundwater wells or approval of new surface water appropriations.
NeDNR	The Nebraska Department of Natural Resources (NeDNR) a State agency that has the authority over surface water, floodplain management, dam safety, and providing data and analyses needed to make wise resource decisions.
NET	Nebraska Environmental Trust was established to conserve, enhance, and restore the natural environments of Nebraska, by funding projects that leverage private investment in conservation and emphasize long-lasting results.
NNDP	Nebraska New Depletions Plan. The plan, in accordance with PRRIP, describes the actions taken to prevent or mitigate for new depletions to target streamflows, to the extent those new depletions are caused by uses begun or expanded on or after July 1, 1997. Responsibility for implementing the plan is shared between the State of Nebraska and the Platte River Natural Resources Districts.
Objective	A statement that defines a specific outcome that a group seeks to accomplish in working toward a goal.

Offset	A reduction in water use that corresponds with an increased use of water. An offset may be used as a management strategy to balance uses and supplies. The offset will have a corresponding amount, time, and location. Also referred to as mitigation.
Overappropriated	From <i>Nebraska Revised Statute § 46-713 (4)(a)</i> : A river basin, subbasin, or reach shall be deemed overappropriated if, on July 16, 2004, the river basin, subbasin, or reach is subject to an interstate cooperative agreement among three or more states and if, prior to such date, the NeDNR has declared a moratorium on the issuance of new surface water appropriations in such river basin, subbasin, or reach and has requested each natural resources district with jurisdiction in the affected area in such river basin, subbasin, or reach either (i) to close or to continue in effect a previously adopted closure of all or part of such river basin, subbasin, or reach to the issuance of additional water well permits in accordance with subdivision (1)(k) of section 46-656.25 as such section existed prior to July 16, 2004, or (ii) to temporarily suspend or to continue in effect a temporary suspension, previously adopted pursuant to section 46-656.28 as such section existed prior to July 16, 2004, on the drilling of new water wells in all or part of such river basin, subbasin, or reach.
PBC	Platte Basin Coalition (or Coalition) is a interlocal cooperation agreement among Upper Platte River Basin NRDs and NeDNR to meet the terms of PRRIP, requirements of the Groundwater Management and Protection Act, and the provisions in the IMPs and the Basin-Wide Plan by obtaining funding for projects to study, develop, and implement management actions to reduce consumptive uses of water.
PRRIP	Platte River Recovery Implementation Program. Developed by the federal government along with basin states of Nebraska, Colorado, and Wyoming and signed in 2006. Local, state and federal government agencies work with groups across the basin to build a framework for a long-term program that will satisfy Endangered Species Act requirements for water users in the basin. The primary focus of PRRIP is to enhance, restore, and protect habitat lands for the endangered whooping crane, interior least tern, pallid sturgeon, and the threatened piping plover.
Recharge	A hydrologic process where water moves downward from surface water to ground water, both naturally through the hydrologic cycle or through intentional practices.

Stakeholder Advisory Committee	Representatives of various interest groups and professional fields who provided comments and suggestions on various aspects of the Integrated Management Plan.
Storage	The capture and holding of water in above-ground man-made structures, or below ground in geologic strata for subsequent use for various purposes.
Streamflow	The discharge that occurs in a natural channel of a surface stream course.
Surface Water	Water which occurs or moves on the surface of the planet such as in a stream, river, lake, wetland, or ocean.
Transfer	To allow for the historic consumptive use of water to be changed, in location and/or purpose without causing an increase in depletions to the river or an impact to existing surface water or groundwater uses.
Use	The legally accepted use of a well or water appropriation.
Variance	To allow an exception to the stay on new irrigated acres and new consumptive uses while providing adequate mitigations or transfers to assure that there is no net increase in depletions to the river or impacts to existing surface water or groundwater uses; any request that is contrary to existing rules or regulations will require a variance. Any person wanting to apply for a new surface water appropriation within a moratorium or stay area must file a variance petition with NeDNR requesting leave to file an application.
Water Bank	A mechanism used to facilitate the transfer of water between parties, often using market-driven transactions. Water banks can be institutional, physical, or mixtures of both.
WWUM	Western Water Use Management Model assists NeDNR and NRDs with meeting the objectives of local integrated management plans and the Platte River Recovery Implementation Program by assessing the impact of water uses and management practices on long-term water supplies.

Appendix B:

Exchange Letters Between CPNRD and NeDNR



215 Kaufman Ave Grand Island NE 68803
T: (308) 385-6282 F: (308) 385-6285
www.cpnrd.org

January 25, 2018

Mr. Jeff Fassett, Director
Nebraska Department of Natural Resources
301 Centennial Mall South
PO Box 94676
Lincoln, NE 68509-4676

RE: Initiation of Central Platte's second 10-year increment integrated management plan

Dear Director Fassett:

This letter is to confirm that the Central Platte Natural Resources District (CPNRD) and the Department of Natural Resources (NeDNR) have jointly determined that the development of a second 10-year increment integrated management plan (IMP) for CPNRD is necessary. In accordance with *Nebraska Revised Statutes* §§ 46-715 through 46-718, the second increment IMP will be developed using a consultative and collaborative process to identify IMP goals and objectives. Following adoption of the first increment IMP in 2009, CPNRD and NeDNR have made collaborative efforts to implement the goals and objectives set forth in the IMP and have met regularly to review progress. The development of a second increment IMP will allow further progress to be made toward meeting the IMP's goals and objectives pursuant to *Neb. Rev. Stat. §46-715(2)* and to reduce the overall difference between the current and fully appropriated levels of development identified in *Neb. Rev. Stat. §46-715(5)(c)*.

As you are aware, work on the development of the Upper Platte River Basin's second increment basin-wide plan will be winding down in 2018, allowing for the Upper Platte NRDs and NeDNR to direct their time and attention to the development of second increment individual NRD IMPs. By initiating the planning and development process for CPNRD's individual IMP now, partners will benefit from having knowledge of the second increment basin-wide plan's proposed goals and objectives, thereby maintain consistency between the two plans; as well as a concurrent plan development schedule.

CPNRD would like to meet with your staff in the coming weeks in order to discuss a project timeline and whether or not we would like to consider hiring outside assistance for coordination and/or facilitation tasks associated with the development of the individual IMP. Lyndon Vogt will be the CPNRD staff contact leading coordination of the individual IMP development. You may reach them at 308.385.6282 and vogt@cpnrd.org. Please work with Lyndon in scheduling a suitable date and time to discuss this matter.

Respectfully,

A handwritten signature in black ink that reads "Lyndon Vogt".

Lyndon Vogt
General Manager
Central Platte Natural Resources District

RECEIVED

FEB 01 2018

DEPARTMENT OF
NATURAL RESOURCES

NEBRASKA

Good Life. Great Water.

DEPT. OF NATURAL RESOURCES



Pete Ricketts, Governor

February 12, 2018

Lyndon Vogt
General Manager
Central Platte NRD
215 Kaufman Avenue
Grand Island, NE 68803

Dear Mr. ^{Lyndon}Vogt:

The Nebraska Department of Natural Resources (Department) is pleased to receive the Central Platte Natural Resources District's (District) January 25, 2018 letter to initiate the second 10-year increment integrated management plan per *Nebraska Revised Statutes* §§ 46-715 through 46-718.

Jennifer Schellpeper, of the Department, will be in touch with you to discuss the project timeline and whether to consider hiring outside assistance for coordination and/or facilitation.

We look forward to continued work on the integrated management plans and in furthering the effective working relationship between the District and the Department.

Sincerely,

Jeff

Gordon W. "Jeff" Fassett
Director

Gordon W. "Jeff" Fassett, P.E., Director

Department of Natural Resources

301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509

OFFICE 402-471-2363
FAX 402-471-2900

dnr.nebraska.gov

Appendix C:

Stakeholder Advisory Committee Process,
Members, and Meeting Dates

Stakeholder Advisory Committee Process, Members, and Meeting Dates

Public Involvement

Public involvement during the Central Platte Natural Resources District's Second Increment Integrated Management Plan development process was designed to encompass broad stakeholder values, interests, future needs and priorities, and raise awareness to encourage broad community support for water quantity management within the District and Basin.

The Stakeholder Advisory Committee was formed through local solicitations and nominations. CPNRD and the NeDNR sent out letters to 53 individuals who were nominated as potential members of the Advisory Committee through CPNRD contacts. Ten interested individuals contacted CPNRD and were appointed to the Stakeholder Advisory Committee. The 10-member Stakeholder Advisory Committee included diverse representation from agriculture, irrigation districts, well drillers, public power producers, industry/business, environmental groups, and municipalities.

Meeting Topics

The main plan development consisted of stakeholder meetings which were open to the public. During stakeholder meetings numerous concepts and topics were discussed, but certain topics were repeatedly discussed by stakeholders across meetings that led to Plan goals, objectives, and action items. To the extent possible, these ideas have been grouped and are listed below in alphabetical order.

- Continue to enhance groundwater modeling
- Economic viability of the CPNRD
- Education
- Effects to stream-flow from on-farm efficiency
- Equitability among users
- Keeping current progress made
- Keeping allocations separate
- Upstream and downstream partnerships
- Water sustainability

Members of the Stakeholder Advisory Committee

At the end of plan development, the Stakeholder Advisory Committee had 10 members, whose names and affiliations are listed below.

Name	Affiliation
Mike Drain	Central Nebraska Public Power and Irrigation District
Anton (Tony) Jelinek	City of Kearney
Randy Zach (Primary)	Nebraska Public Power District
Jeff Shafer (Secondary)	Nebraska Public Power District
Jay Richeson	Gothenburg City Council
Tim Luchsinger	City of Grand Island
Mark Haskins	Hall County Farm Bureau
Ivan Klein	Buffalo County Board of Commissioners
J Buddenberg	Thirty Mile Irrigation District
Kurt Kline	Irrigator

In addition to the Stakeholder Advisory Committee meetings, NeDNR and the CPNRD held coordination meetings to plan stakeholder meetings. Meeting dates are listed below.

Stakeholder Advisory Committee Meetings	Coordination Meetings
	March 13, 2018
	April 3, 2018
	June 5, 2018
	July 20, 2018
	August 7, 2018
August 14, 2018	August 23, 2018
	September 4, 2018
September 18, 2018	October 17, 2018
	October 30, 2018
	November 1, 2018
November 13, 2018	December 21, 2018
	January 3, 2019
	January 22, 2019
	February 13, 2019
February 26, 2019	

Appendix D:

Order Declaring Formal Moratoriums in the Matter of the Platte River Basin above the Mouth of the Loup River, the North Platte River Basin, and the South Platte River Basin, et al.

Dated July 14, 2004

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Platte River)
Basin, the North Platte River)
Basin, the South Platte River)
Basin, the Republican River) ORDER DECLARING FORMAL MORATORIUMS
Basin, the White River Basin,)
and the Hat Creek River Basin.)

This matter came on for consideration before the Director of the Department of Natural Resources in part because of the provisions of Section 53, subsection (4) of LB962 (2004 Nebraska Legislature) and in part because of the need to formalize actions previously taken by the Department relative to the issuance of additional appropriations in several river basins in the state. The Director FINDS:

1. On February 27, 1979, by a memorandum to staff, the Director of the Department of Water Resources (now the Department of Natural Resources) ordered staff to deny all applications for natural flow for consumptive purposes in the Lodgepole Creek basin. The memorandum states the action was taken because the Director did not believe the public interest was served by continued issuance of permits for natural flow and that the moratorium would avoid the additional State costs from the added administration and cancellation of permits in the future. Documents in the Department's records indicate that storage and storage use appropriations could still be considered and approved. Such action was to take effect immediately and remain in effect until further notice. Lodgepole Creek is a tributary to the South Platte River.
2. On December 13, 1979, the same Director of the Department of Water Resources issued another memorandum to staff directing them to deny all applications for the direct use of natural flow from Pumpkinseed Creek and tributaries for irrigation purposes. The memorandum states that applications for storage and applications to use stored water for irrigation purposes could be processed. The reason given for this action was public interest and that it would avoid additional state costs from added administration and cancellation work in future years. Pumpkinseed Creek is a tributary to the North Platte River.
3. On November 30, 1990, the Department declared a formal moratorium on the Niobrara River from the Nebraska-Wyoming state line downstream to the headgate of the Mirage Flats Canal. The moratorium included all applications to use natural flow for irrigation, storage, and other beneficial uses. The Order states that the Department shall not approve any applications for permits for new water appropriations on this stream reach while the moratorium remains in effect, and any interested person may petition the Department to reconsider the moratorium designation.

4. Through actions taken since approximately 1993, the Department of Natural Resources has effectively maintained other informal moratoriums through its discussions with possible applicants and through its orders regarding applications filed. The actions taken and the Department's policy have been as follows:
 - a. North Platte River and tributaries above Lake McConaughy. The Department has denied applications on the basis of a preliminary determination that there is insufficient unappropriated water. Applicants were given an opportunity to request a hearing to prove that unappropriated water was available. The basis for this preliminary determination was that in most years Lake McConaughy has not filled. This determination resulted in additional restrictions in the Pumpkinseed Creek area.
 - b. South Platte River and tributaries, North Platte River and tributaries below Lake McConaughy and Platte River and tributaries above Cozad Canal. The Department has denied applications that would reduce natural flow during the irrigation season on the basis of a preliminary determination that there is insufficient unappropriated water during the irrigation season. Applicants were given an opportunity to request a hearing to prove that unappropriated water was available. The basis for the preliminary determination was the fact that in most years the Department has closed appropriations that were junior to a 1927 water right for Thirty Mile Canal, and in many years for a 1894 water right for Cozad Canal.
 - c. Platte River and tributaries above the mouth of the Loup River. The Department has denied applications that would reduce the natural flow for the instream water appropriations that have a 1993 water right on the preliminary determination that there is insufficient unappropriated water for these water rights that have 1990 or 1993 priority dates. Applicants were given an opportunity to request a hearing to prove that unappropriated water was available.
 - d. White River Basin and Hat Creek Basins. Again, the Department has denied applications that would reduce the natural flow of the stream. The Department's preliminary determination was based on the total lack of flow existing in most locations of these basins and the number of old water rights that do not receive the full allotment allowed under their appropriations. Applicants were given opportunity to request a hearing to prove that unappropriated water was available.
5. No applications for permanent water rights in the Republican River Basin have been filed or granted since 1994. In discussions with possible applicants since then, Department staff discussed the need for showing the availability of unappropriated water. On May 19, 2003, the United States Supreme Court approved a final settlement

stipulation with Kansas and Colorado regarding the Republican River Compact. While that settlement does not specifically require that the Republican River Basin be made subject to a formal moratorium on the issuance of such rights, such a moratorium is consistent with that settlement and with Nebraska's required compliance with that Compact.

It is therefore CONCLUDED that it is in the public interest to declare an official moratorium on the issuance of new surface water appropriations for all of those areas described above for which the Department previously has not formally declared such a moratorium, that is the areas described in paragraphs Nos. 1, 2, 4 and 5 above. The Nebraska Constitution, Article XV, Section 6 states, "The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest." By declaring the official moratorium the public is well served by notice of such intentions and requirements. Further, the public would not be well served by the continuance of granting permits where sufficient water is not available. This action would result in "paper water rights" that would cause additional costs to the taxpayer because of the costs of processing such applications, the costs of administering such applications, and the costs of canceling such appropriations in the future. However, there may be certain situations where the public interest would be served by allowing new water rights, and because of the type of project and/or its operation, if an applicant can show that unappropriated water is available. A process for allowing such action should be authorized.

It is therefore ORDERED that:

1. A moratorium on all new surface water appropriations is hereby declared for the following basins or subbasins in Nebraska:
 - a. The Republican River Basin, including all subbasins
 - b. The North Platte River Basin including all subbasins
 - c. The South Platte River Basin including all subbasins
 - d. The Platte River Basin above the mouth of the Loup River including all subbasins
 - e. The White River Basin including all subbasins
 - f. The Hat Creek Basin including all subbasins
2. Interested persons may petition the Department to reconsider the moratorium designation as it relates to a specific project. The petition for reconsideration must clearly state the basis for such request. For sufficient cause shown, the Director may re-examine the action imposed by this Order at any time.

DEPARTMENT OF NATURAL RESOURCES



Roger K. Patterson, Director

July 14, 2004

CERTIFICATE OF SERVICE

A copy of the foregoing ORDER DELARING FORMAL MORATORIUMS was mailed on July 14, 2004 to the following:

Lower Republican Natural Resources District P.O. 618 Alma, Nebraska 68920-0618	Beerline Canal Company R.R. 2, Box 15 Broadwater, Nebraska 69125
Middle Republican Natural Resources District P.O. Box 81 Curtis, Nebraska 69025-0081	Birdwood Irrigation District 25362 W. North River Road Hershey, Nebraska 69143
Upper Republican Natural Resources District P.O. Box 1140 Imperial, Nebraska 69033-1140	Blue Creek Irrigation District 5277 Road 197 Lewellen, Nebraska 69147
Tri-Basin Natural Resources District 1308-2 nd Street Holdrege, Nebraska 68949-2803	Bostwick Irrigation District P.O. Box 446 Red Cloud, Nebraska 68970-0446
Central Platte Natural Resources District 215 North Kaufman Avenue Grand Island, Nebraska 68803-4915	Bridgeport Irrigation District P.O. Box 1028 Bridgeport, Nebraska 69336-1028
Twin Platte Natural Resources District P.O. Box 1347 North Platte, Nebraska 69103-1347	Browns Creek Irrigation District P.O. Box 40 Broadwater, Nebraska 69125-0040
South Platte Natural Resources District P.O. Box 294 Sidney, Nebraska 69162-0294	Castle Rock Irrigation District P.O. Box 6 McGrew, Nebraska 69353-0006
North Platte Natural Resources District P.O. Box 36 Gering, Nebraska 69341	Central Irrigation District P.O. Box 497 Scottsbluff, Nebraska 69363
Upper Niobrara White Natural Resources District 430 East 2 nd Street Chadron, Nebraska 69337-2433	Central Nebraska Public Power and Irrigation District P.O. Box 740 Holdrege, Nebraska 68949-0740
Alliance Irrigation District P.O. Box 412 Bridgeport, Nebraska 69336-0412	Chimney Rock Irrigation District P.O. Box 398 Bayard, Nebraska 69334-0398
	Cody-Dillon Ditch Company 6396 North Splinter Road North Platte, Nebraska 69101
	Court House Rock Company HC 85 Box 156 Bridgeport, Nebraska 69336-9530

Cozad Ditch Company, Inc.
P.O. Box 286
Cozad, Nebraska 69130-0286

Empire Canal Company
C/o Tim Riggs
P.O. Box 69336
Bridgeport, Nebraska 69336

Enterprise Irrigation District
P.O. Box 1558
Scottsbluff, Nebraska 69361-1558

Farmers Irrigation District
1505 Second Avenue
Scottsbluff, Nebraska 69361

Frenchman-Cambridge Irrigation
District
P.O. Box 116
Cambridge, Nebraska 69022-0116

Frenchman Valley Irrigation
District
P.O. Box 297
Culbertson, Nebraska 69024

Gering Irrigation District
981 Rundell Road
Gering, Nebraska 69341

Gering-Ft. Laramie Irrigation
District
P.O. Box 69341-0541
Gering, Nebraska 69341

H & RW Irrigation District
P.O. Box 297
Culbertson, Nebraska 69024

Hooper Irrigation District
19576 Road 50
Lewellen, Nebraska 69147

Keith-Lincoln County Irrigation
District
P.O. Box 308
Sutherland, Nebraska 69165-0308

Lisco Irrigation District
15170 Hwy 26
Lisco, Nebraska 69148-8827

Midland-Overland Canal Company
18920 Hwy 26
Oshkosh, Nebraska 69154

Minatare Mutual Canal and
Irrigation Company
P.O. Box 367
Minatare, Nebraska 69356

Mitchell Irrigation District
120322 County Road F
Mitchell, Nebraska 69357

Nebraska Public Power District
P.O. Box 499
Columbus, Nebraska 68602-0499

Nine Mile Irrigation District
P.O. Box 597
Bayard, Nebraska 69334-0597

Northport Irrigation District
RR 1 Box 164
Bridgeport, Nebraska 69336-0535

Paisley Irrigation District
5277 Road 197
Lewellen, Nebraska 69147

Pathfinder Irrigation District
P.O. Box 338
Mitchell, Nebraska 69357

Paxton-Hershey Water Company
25751 West Suburban Road
Hershey, Nebraska 69143

Pioneer Irrigation District
RR 1 Box 44
Haigler, Nebraska 69030

Platte Valley Irrigation
District
P.O. Box 104
Hershey, Nebraska 69143

Riverside Irrigation Company
RR 3 Box 33
Culbertson, Nebraska 69024-9318

Short Line Irrigation District
P.O. Box 575
Bayard, Nebraska 69334-0575

Six Mile Ditch Company
P.O. Box 243
Gothenburg, Nebraska 69138

South Side Irrigation Company
P.O. Box 174
Cozad, Nebraska 69130-0174

Steamboat Irrigation District
180038 County Road 29
Gering, Nebraska 69341

Suburban Irrigation District
P.O. Box 885
North Platte, Nebraska 69103

Thirty Mile Canal Company
75885 Road 414
Cozad, Nebraska 69130

Twin Loups Irrigation Company
P.O. Box 98
Scotia, Nebraska 68875-0098

Twin Loups Reclamation District
P.O. Box 98
Scotia, Nebraska 68875-0098

Union Irrigation District
5277 Road 197
Lewellen, Nebraska 69147

Western Irrigation District
1351 Road West 40
Brule, Nebraska 69127

White River Irrigation District
P.O. Box 446
Crawford, Nebraska 69339

Whitney Irrigation District
P.O. Box 185
Whitney, Nebraska 69367

Winters Creek Canal Company
230710 Highland Road
Scottsbluff, Nebraska 69361

Appendix E:

Order Designating Overappropriated River Basins, Subbasins, or Reaches, and Describing Hydrologically Connected Geographic Area, in the Matter of the Platte River Basin upstream of the Kearney Canal Diversion, the North Platte River Basin, and the South Platte River Basin.

Dated September 15, 2004

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the) ORDER DESIGNATING
Platte River Basin upstream of) OVERAPPROPRIATED RIVER BASINS,
the Kearney Canal Diversion, the) SUBBASINS, OR REACHES, AND
North Platte River Basin, and) DESCRIBING HYDROLOGICALLY
the South Platte River Basin) CONNECTED GEOGRAPHIC AREA

This matter came on for consideration before the Director of the Department of Natural Resources (the "Department") pursuant to Section 53, subsection (4) of LB 962 (2004 Nebraska Legislature), codified at Neb. Rev. Stat. Section 46-713(4), which requires the Department to designate which river basins, subbasins, or reaches are overappropriated within sixty days after the operative date of that section. Furthermore, the designation shall include a description of the geographic area within which the Department has determined that surface water and ground water are hydrologically connected and the criteria used to make such determination.

Section 46-713(4)(a) provides as follows:

A river basin, subbasin, or reach shall be deemed overappropriated if, on July 16, 2004, the river basin, subbasin, or reach is subject to an interstate cooperative agreement among three or more states and if, prior to such date, the department has declared a moratorium on the issuance of new surface water appropriations in such river basin, subbasin, or reach and has requested each natural resources district with jurisdiction in the affected area in such river basin, subbasin, or reach either (i) to close or to continue in effect a previously adopted closure of all or part of such river basin, subbasin, or reach to the issuance of additional water well permits in accordance with subdivision (1)(k) of section 46-656.25 as such section existed prior to July 16, 2004, or (ii) to temporarily suspend or to continue in effect a temporary suspension, previously adopted pursuant to section 46-656.28 as such section existed prior to July 16, 2004, on the drilling of new water wells in all or part of such river basin, subbasin, or reach.

The Director FINDS:

1. In 1997, the States of Nebraska, Wyoming, and Colorado and the U.S. Department of the Interior signed the Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska (the "Cooperative Agreement").
 - a. Pursuant to the Cooperative Agreement, Nebraska has prepared the Nebraska New Depletion Plan (the "New Depletion Plan"), a purpose of which is to describe the actions Nebraska proposes to take to prevent or mitigate for new depletions to the extent those new depletions are caused by new and expanded uses of water since the target date of July 1, 1997.

2.
 - a. On February 27, 1979, by a memorandum to staff, the Director of the Department of Water Resources (now the Department of Natural Resources) ordered staff to deny all applications for natural flow for consumptive purposes in the Lodgepole Creek basin.
 - b. On December 13, 1979, the same Director of the Department of Water Resources issued another memorandum to staff directing them to deny all applications for the direct use of natural flow from Pumpkinseed Creek and tributaries for irrigation purposes.
 - c. Through actions taken since approximately 1993, the Department of Natural Resources has effectively maintained other informal moratoriums through its discussions with possible applicants and through its orders regarding applications filed in the North Platte River and its tributaries, the South Platte River and its tributaries, and the Platte River and its tributaries above the mouth of the Loup River.
 - d. On July 14, 2004, the Department issued an Order Declaring Formal Moratorium on the issuance of new surface water appropriations in the Platte River Basin above the mouth of the Loup River, the North Platte River Basin, and the South Platte River Basin.
 - e. Numerous new wells have been registered with the Department since the Department stopped issuing surface water rights as described in this Section.
3. The Department has made written requests to each Natural Resources District ("NRD") with jurisdiction in the affected area, as follows:
 - a. By letter dated July 13, 2004, to Jim Olson, Chair of the North Platte NRD, the Department requested the North Platte NRD to continue in effect a previously adopted closure of the Pumpkin Creek integrated ground water management subarea to the issuance of additional water well permits and to continue in effect a previously adopted temporary suspension on the drilling of new water wells in the remainder of the Natural Resources District.
 - b. By letter dated July 13, 2004, to Alicia Haussler, Chair of the Central Platte NRD, the Department requested the Central Platte NRD to continue in effect a temporary suspension of well construction that took effect November 20, 2003 in a portion of the Natural Resources District, and to extend the temporary suspension to include all of the area the Department had preliminarily determined to be hydrologically connected to the overappropriated basin.

- c. By letter dated July 13, 2004, to Bradley Lundeen, Chair of the Tri-Basin NRD, the Department requested the Tri-Basin NRD to either close the geographic area the Department preliminarily determined to be hydrologically connected to the overappropriated basin, as identified on a map enclosed with the Department's letter, to the issuance of additional water well permits, or temporarily suspend the drilling of new water wells within that identified area.
 - d. By letter dated July 13, 2004, to Keith Rexroth, Chair of the South Platte NRD, the Department requested the South Platte NRD to continue in effect a previously adopted closure of the Lodgepole Creek integrated ground water management subarea to the issuance of additional water well permits and to continue in effect a previously adopted temporary suspension on the drilling of new water wells in the remainder of the Natural Resources District.
 - e. By letter dated July 13, 2004, to Jim Rubenthaler, Chair of the Twin Platte NRD, the Department requested the Twin Platte NRD to continue in effect a previously adopted temporary suspension of well construction in a portion of the Natural Resources District, and to extend the temporary suspension to include all of the area the Department had preliminarily determined to be hydrologically connected to the overappropriated basin, as identified on a map enclosed with the Department's letter.
4. Included with the Department's July 13, 2004 correspondence listed in Section 3 of this Order were maps identifying the portions of each of the Natural Resources Districts within which the Department was preliminarily considering the surface water and ground water to be hydrologically connected to the overappropriated basin.
 5. The criteria used to make the determination of hydrologically connected surface water and ground water for purposes of the overappropriated designation is as follows:
 - a. The area within which pumping of a well for 40 years will deplete the North Platte River, South Platte River, Platte River or a base flow tributary thereof by at least 28% of the amount pumped in that time (referred to as the "28/40 line"). The 28/40 line is also relevant for management purposes in terms of the Cooperative Agreement, which is one of the criteria on which the overappropriated designation rests. The New Depletion Plan prepared as a result of the Cooperative Agreement requires that the NRDs responsible for its implementation have groundwater management areas that cover all land area within the Platte River Basin and also the area within the 28/40 line.
 - b. To the extent not included as a result of the 28/40 line, any other land area that is within the North Platte NRD's current integrated ground water management subarea of the Pumpkin

Creek subbasin, or the South Platte NRD's current integrated ground water management subarea of the Lodgepole Creek subbasin. This criteria is relevant because the Cooperative Hydrology Study ("COHYST") Model, discussed below, does not have modeling for all parts of Nebraska. In areas not covered by COHYST, NRD information analysis relating to integrated management areas was relied upon in order to determine the areas to be considered hydrologically connected for the relevant management purposes.

6. The preliminary map sent on July 13th to each NRD was based on data from the United States Geological Survey's Regional Aquifer Study Assessment. In the July 13, 2004 letters to the NRDs, the Department reserved the ability to utilize data from the COHYST Model, when available, in making the final designation, as such data was anticipated to be the best data available.
7. The COHYST Model is now available. The Department has examined the results of the current COHYST Model's 28/40 line. The Department determines that the current COHYST Model is the best data available for purposes of obtaining the 28/40 line.
8. The Department held public information meetings and public hearings for the purpose of collecting evidence and testimony concerning the final determination of certain NRDs as "fully appropriated" in their entirety. The public hearings were held in North Platte on August 31, 2004, in Sidney on September 1, 2004, and in Kearney on September 9, 2004. Prior to each hearing, Department personnel indicated that testimony could be given during the hearing on the extent of the area within which the surface water and groundwater supplies for the river basin, subbasin or reach are determined to be hydrologically connected for purposes of the overappropriated designation. The Department duly considered such testimony and evidence produced at the hearings.

It is therefore CONCLUDED that it is in the public interest to designate the Platte River Basin above the Kearney Canal Diversion, the North Platte River Basin, and the South Platte River Basin as overappropriated, and to designate the area within which surface water and ground water are hydrologically connected for purposes of the overappropriated designations.

It is therefore ORDERED that:

1. The Platte River Basin above the Kearney Canal Diversion, the North Platte River Basin including Pumpkinseed Creek, and the South Platte River Basin including Lodgepole Creek are hereby designated as overappropriated.
2. Surface water and ground water are determined to be hydrologically connected for purposes of the overappropriated designations in the area within the 28/40 line, based on data from the COHYST Model. It is further ordered that each full Public Land Survey System section, fifty percent or more of which is within the area having as its outer boundary the 28/40 line, shall be designated as hydrologically connected for purposes of the overappropriated designations. The legal description of the geographic area within

which the Department has determined that the surface water and ground water are hydrologically connected for purposes of the overappropriated designations is attached hereto as Appendix I. Appendix II attached hereto is a map showing the designated overappropriated basins and the geographic area within which the Department has determined that surface water and groundwater are hydrologically connected for purposes of the overappropriated designations.

3. Interested persons may petition the Department to reconsider the designation of the overappropriated basins, the determination of the geographic area within which the Department has determined that surface water and groundwater are hydrologically connected for purposes of the overappropriated designations, or the criteria used to make the determination of hydrologic connectivity for purposes of the overappropriated designations. The petition for reconsideration must clearly state the basis for such request. For sufficient cause shown, the Director may re-examine the action imposed by this Order at any time.

DEPARTMENT OF NATURAL RESOURCES

September 15, 2004



Roger K. Patterson, Director

Appendix F:

Order of Final Determination of River Basins, Subbasins, or Reaches as Fully Appropriated, and Describing Hydrologically Connected Geographic Area, in the Matter of the Portion of the Platte River Basin Upstream of the Loup River Confluence, the North Platte River Basin, and the South Platte River Basin within the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District.

Dated September 30, 2004

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Portion of the)
Platte River Basin Upstream of)
the Loup River Confluence,)
the North Platte River Basin, and)
the South Platte River Basin within)
the South Platte Natural Resources)
District, the Twin Platte Natural)
Resources District and the Central)
Platte Natural Resources District)

ORDER OF FINAL
DETERMINATION OF RIVER BASINS,
SUBBASINS, OR REACHES AS
FULLY APPROPRIATED, AND DESCRIBING
HYDROLOGICALLY CONNECTED
GEOGRAPHIC AREA

This matter came on for consideration before the Director of the Department of Natural Resources (the "Department") pursuant to Section 54, subsection (5) of LB 962 (2004 Nebraska Legislature), codified at Neb. Rev. Stat. Section 46-714(5). That section requires the Department to: (1) notify the appropriate natural resources districts, within thirty days after the final hearing required by Section 46-714(4), of the Department's final determination as to whether a river basin, subbasin, or reach is fully appropriated; and (2) if the final determination is that the river basin, subbasin, or reach is fully appropriated, at the same time (a) decide whether to continue or to terminate the stays on new surface water uses and on increases in the number of surface water irrigated acres and (b) designate the geographic area within which the Department considers surface water and ground water to be hydrologically connected to the river basin, subbasin, or reach, and describe the methods and criteria used in making that determination.

The Director FINDS:

1. Prior to July 16, 2004, the Director of the Department made preliminary determinations, pursuant to subsection (2) of Neb. Rev. Stat. Section 46-656.28, as it existed prior to that date, that there was reason to believe that the use of hydrologically connected ground water and surface water in the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District, was contributing to or was in the reasonably foreseeable future likely to contribute to a conflict, dispute, or difficulty listed in such subsection. Each preliminary determination related to the entirety of the specific natural resources district. The preliminary determination was in response to the written request of each of these natural resources districts that the Department consult with and conduct studies on the natural resources district, and hold a hearing on the preparation of a joint action plan. Prior to July 16, 2004, the Director did not make a determination that a joint action plan should not be prepared, and the preparation of a joint action plan was not completed for any of the subject natural resources districts.

2. On July 16, 2004, the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District became subject to the provisions of subsection (3) of Section 60 of LB 962, codified at Neb. Rev. Stat. Section 46-720, and also Sections 53 to 59 of LB 962, codified at Neb. Rev. Stat. Sections 46-713 to 46-719.
3. Pursuant to Neb. Rev. Stat. Section 46-713, the Department duly provided notices to the public of its preliminary determinations that the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District were each fully appropriated in their entirety.
4. The Department and each of the referenced natural resources districts sent letters as follows:
 - a. Letter dated August 11, 2004 from the Department and the South Platte Natural Resources District;
 - b. Letter dated August 11, 2004 from the Department and the Twin Platte Natural Resources District;
 - c. Letter dated August 11, 2004 from the Department and the Central Platte Natural Resources District.

The appropriate letter which was sent to each irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality that relies on water from the affected river basin, subbasin, or reach, and to other water users and stakeholders deemed appropriate by the Department or the affected natural resources district. Each letter offered the recipient the opportunity to consult with the Department and the appropriate natural resources district on the question as to whether the Department should make a final determination that the portion of the Platte, North Platte or South Platte Basin within that district is fully appropriated. The Department received, and duly considered, letters in response to the request for consultation.

5. The Department issued notice of, and held, two public information meetings in each natural resources district, as follows:
 - a. South Platte Natural Resources District public information meetings were held on August 25, 2004, and September 1, 2004.
 - b. Twin Platte Natural Resources District public information meetings were held on August 26, 2004, and August 31, 2004.

- c. Central Platte Natural Resources District public information meetings were held on August 27, 2004, and September 9, 2004.
6. Pursuant to statute, the Department issued notice of, and held, public hearings in each natural resources district, as follows:
 - a. South Platte Natural Resources District public hearing was held on September 1, 2004.
 - b. Twin Platte Natural Resources District public hearing was held on August 31, 2004.
 - c. Central Platte Natural Resources District public hearing was on September 9, 2004.
7. Public testimony was taken at each public hearing, and the record in each public hearing was held open for at least one full week following the date of the public hearing, in order to allow the receipt of any additional written testimony into the record.
8. A transcript was made for each public hearing, and the Department duly considered the testimony and evidence produced at the hearings.
9. In 1997, the States of Nebraska, Wyoming, and Colorado and the U.S. Department of the Interior signed the Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska (the "Cooperative Agreement"). Pursuant to the Cooperative Agreement, Nebraska has prepared the Nebraska New Depletion Plan (the "New Depletion Plan"), a purpose of which is to describe the actions Nebraska proposes to take to prevent or mitigate for new depletions to the extent those new depletions are caused by new and expanded uses of water begun since the date of July 1, 1997.
10.
 - a. On February 27, 1979, by a memorandum to staff, the Director of the Department of Water Resources (now the Department of Natural Resources) ordered staff to deny all applications for natural flow for consumptive purposes in the Lodgepole Creek basin.
 - b. On December 13, 1979, the Director of the Department of Water Resources issued another memorandum to staff directing them to deny all applications for the direct use of natural flow from Pumpkinseed Creek and tributaries for irrigation purposes.
 - c. Through actions taken since approximately 1993, the Department of Natural Resources has effectively maintained other informal moratoriums through its discussions with possible applicants and through its orders regarding applications filed in the North

Platte River and its tributaries, the South Platte River and its tributaries, and the Platte River and its tributaries above the mouth of the Loup River.

- d. On July 14, 2004, the Department issued an Order Declaring Formal Moratorium on the issuance of new surface water appropriations in the Platte River Basin above the mouth of the Loup River, the North Platte River Basin, and the South Platte River Basin.
 - e. Numerous new wells have been registered with the Department since the Department stopped issuing surface water rights as described in this Section.
 - f. Departmental administration would have occurred frequently during the previous twenty years in the Platte River Basin upstream of the confluence with the Loup River, and in the North Platte River Basin and the South Platte River Basin if the surface water rights existing on July 16, 2004, had been in existence during the previous twenty years
- 11.
- a. South Platte Natural Resources District ordered a temporary suspension of well construction for all of the South Platte Natural Resources District, except for the Lodgepole Creek integrated management subarea, which temporary suspension took effect on January 14, 2004. The moratorium for the Lodgepole Creek integrated management subarea took effect on November 7, 2002.
 - b. Twin Platte Natural Resources District ordered a temporary suspension of well construction in a portion of the natural resources district; that temporary suspension took effect July 1, 2004.
 - c. Central Platte Natural Resources District ordered a temporary suspension of well construction in a portion of the natural resources district; that temporary suspension took effect November 20, 2003.
12. The method used to determine the hydrological connection for purposes of the final fully appropriated determination was to review and evaluate available and relevant data from the United States Geological Survey, the University of Nebraska Conservation and Survey Division, the data used in the development of the Cooperative Hydrology Study ("COHYST") Model, and other information that was included in the record of the public hearings referenced in finding Number 6 above.
13. In determining the hydrologically connected areas for purposes of the final fully appropriated determination, consideration was given to the following criteria:

- a. the boundaries of the area for which each of the natural resources districts initiated the joint action planning process under previous Section 46-656.28, which in the case of each of the natural resources districts was all areas within such natural resources district's boundaries; and
- b. the extent to which the methods used to determine hydrologic connectivity demonstrated that withdrawal of ground water from within the area would, at some future time, impact the surface water supply of the fully appropriated basin.

It is therefore CONCLUDED that it is in the public interest to (1) make a final determination that the portions of each of the Platte River Basin upstream of the Loup River confluence, the North Platte River Basin, and the South Platte River Basin within each of the South Platte Natural Resources District, the Twin Platte Natural Resources District and the Central Platte Natural Resources District are fully appropriated, (2) to continue the stays on new surface water uses and on increases in the number of surface water irrigated acres, and, (3) to designate the area within which surface water and ground water are hydrologically connected for purposes of the final determination of fully appropriated.

It is therefore ORDERED that:

1. The portions of each of the Platte River Basin upstream of the Loup River confluence, the North Platte River Basin and the South Platte River Basin that are within each of the South Platte Natural Resources District, the Twin Platte Natural Resources District and the Central Platte Natural Resources District are hereby determined to be fully appropriated, final determination.
2. The stays on new surface water uses and on increases in the number of surface water irrigated acres, that were effective as a result of the provisions of Section 46-720 and the Department's July 16, 2004, preliminary determination that the affected natural resources districts were fully appropriated, are continued as a result of this determination, and shall remain in effect until (a) they are terminated pursuant to law, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to law. To the extent the geographic area subject to such stays is now within the land area designated as the overappropriated basin on September 15, 2004, or within the land area considered to be hydrologically connected for purposes of the overappropriated designation, such stays shall continue in effect as stays for that overappropriated basin and area considered to be hydrologically connected for purposes of the overappropriated designation.

3. The geographic area within which the Department has determined ground water to be hydrologically connected to the surface water for the purposes of the final fully appropriated determination includes the entire geographic area of the South Platte Natural Resources District, the Twin Platte Natural Resources District, and the Central Platte Natural Resources District. Because none of the geographic area subject to the Department's preliminary determination of fully appropriated is excluded from the area for which this final determination is made, the stays on the construction of new water wells and on increases in acres irrigated with ground water will remain in effect unless terminated by the applicable district pursuant to subsection (7) and (8) of Section 46-714.

4. Interested persons may petition the Department for a rehearing to reconsider the final determination that the portions of the Platte River Basin upstream of the Loup River confluence, the North Platte River Basin and the South Platte River Basin within the South Platte Natural Resources District, the Twin Platte Natural Resources District and the Central Platte Natural Resources District are fully appropriated, the determination of the geographic area within which the Department has determined that surface water and ground water are hydrologically connected for purposes of the final determination of fully appropriated, or the criteria used to make the determination of hydrologic connectivity for purposes of the final determination of fully appropriated. Such petition for a rehearing must be filed within fifteen days of this order and must clearly state the basis for such request. For sufficient cause shown, the Director may re-examine the action imposed by this Order at any time.

DEPARTMENT OF NATURAL RESOURCES

September 30, 2004



Roger K. Patterson, Director

CERTIFICATE OF SERVICE

A copy of the foregoing ORDER DETERMINING FULLY APPROPRIATED RIVER BASINS, SUBBASINS, OR REACHES, AND DESCRIBING HYDROLOGICALLY CONNECTED GEOGRAPHIC AREA was mailed on September 30, 2004, to the following:

Central Platte Natural Resources District
215 North Kaufman Avenue
Grand Island, Nebraska 68803

South Platte Natural Resources District
P.O. Box 294
Sidney, Nebraska 69162

Twin Platte Natural Resources District
P.O. Box 1347
North Platte, Nebraska 69103