

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

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

Background

1. The Department of Natural Resources (DNR or Department) and the Central Platte Natural Resources District (CPNRD or District) jointly adopted an integrated management plan (IMP) in 2009 in accordance with the Ground Water Management and Protection Act (the Act), particularly *Neb. Rev. Stat.* §§ 46-715, 46-717, 46-718, and 46-720.
2. In 2011, the Department and the District reviewed the IMP and modified it to comply with changes in the Act and to better reflect current hydrologic conditions in the Platte River Basin. As part of their modifications, DNR and the CPNRD duly considered the relevant scientific data and other information as required by the Department's rules and regulations but also the result of consultation and public comment in accordance with the Act, particularly *Neb. Rev. Stat.* § 46-717.
3. On February 2, 2012, the CPNRD and DNR reached agreement on (a) the proposed goals and objectives of the IMP for the affected river basin, subbasin, or reach, (b) the proposed geographic area to be subject to the controls, (c) the surface water controls which are adopted and implemented by the Department and the ground water controls, which are adopted and implemented by the CPNRD through the CPNRD Ground Water Management Area Rules and Regulations, (d) the incentive programs that are proposed for adoption and implementation in the river basin, subbasin, or reach.
4. Pursuant to *Neb. Rev. Stat.* § 46-743 the CPNRD and the DNR published joint notice of hearing for the agreed upon proposed revisions to the IMP.
5. On February 23, 2012, a public hearing was held on the proposed revisions to the IMP, associated controls, and management areas.
6. After considering the comments made at the public hearing and other information and written comments received, the Department and the CPNRD jointly determined to implement the proposed revisions, without modifications, and to adopt and implement the surface water controls as proposed by the Department prior to the hearings and ground water controls through the CPNRD Ground Water Management Act Rules and Regulations, and incentive programs proposed in the IMP.
7. On February 23, 2012, the CPNRD approved a motion to agree to implement the proposed IMP without modifications, and to adopt and implement the controls and incentive programs proposed in the IMP.
8. On April 16, 2012, the Department sent the CPNRD a letter agreeing to adopt the proposed IMP and surface water controls.
9. The Department consulted with the Nebraska Game and Parks Commission (Commission), in accordance with *Neb. Rev. Stat.* § 37-807. As stated in the Commission's response letter received on March 9, 2012, the Commission determined that the adoption of the proposed IMP would have no adverse effect on threatened and endangered species or the habitat.

Controls Adopted

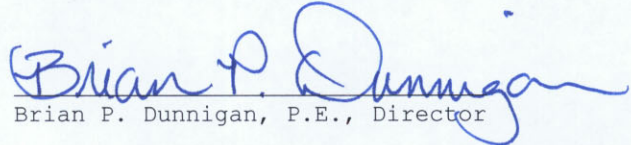
1. The following surface water controls will remain effective within the Central Platte Natural Resources District Integrated Management Plan:
  - A. The Department will continue the moratorium on new surface water appropriations in the portion of the Platte Basin within the boundaries of the District. Variances may be granted by the Department in accordance with the Department rules and regulations.
  - B. Transfers of surface water appropriations will be in accordance with statute and Department rules and regulations.
  - C. Surface water appropriations will continue to be administered according to statute and Department rules and regulations.
  - D. The use of surface water will continue to be monitored to make sure that unauthorized use is not occurring.
  - E. The Department may require surface water appropriators to apply or use conservation measures. If, in the future, the Department requires surface water appropriators to apply or use such conservation measures, in accordance with § 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 Department, to identify conservation measures to be applied or used and to develop a schedule for such application and utilization.
  - F. The Department may require any other reasonable restrictions on surface water use as authorized in Nebraska statutes if the Department feels it is necessary in order to comply with this IMP, the Basin-Wide IMP or any state program, decree, compact or agreement. If, in the future, the Department requires other restrictions on surface water use, such restrictions must be consistent with the intent of § 46-715 and the requirements of § 46-231. If, in the future, the Department requires other restrictions on the surface water use, in accordance with § 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 Department, to comment on the proposed restrictions.

Order

It is therefore ORDERED that the integrated management plan for the Central Platte Natural Resources District and the surface water controls in the plan are hereby adopted by the Department and will become effective on May 21, 2012.

DEPARTMENT OF NATURAL RESOURCES

April 25, 2012

  
Brian P. Dunnigan, P.E., Director

Any person with sufficient legal interest who has been or may substantially affected by the Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (*Neb. Rev. Stat. §§ 84-0901 et. Seg.*) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 15 days of the date of this Order and be accompanied by a filing fee of \$10.00.

On April 25, 2012, a copy of this Order was posted on the Department's website and mailed to Ron Bishop, General Manager, Central Platte Natural Resources District, 215 N. Kaufman Avenue, Grand Island, Nebraska 68803, and to the Department of Natural Resources field offices.