

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

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

BACKGROUND

1. On July 30, 2015, the Little Blue Natural Resources District (District) submitted a letter of intent to the Nebraska Department of Natural Resources (Department) to develop a voluntary Integrated Management Plan (IMP). On August 20, 2015, the Department submitted a letter to the District, agreeing with the intent to jointly develop a voluntary IMP with the District.
2. The Department and the District consulted with a Stakeholder Advisory Committee (Committee) on development of the voluntary IMP. The Committee consisted of the statutorily required members, as well as additional members who indicated interest in serving on the Committee. Through this process of consultation, the Department and the District jointly developed a voluntary IMP in accordance with the Ground Water Management and Protection Act (the Act), particularly, *Neb. Rev. Stat.* §§ 46-715, 46-716, 46-717, and 46-718.
3. The Department and the District considered whether the voluntary IMP would affect the State's ability to comply with the Big Blue River Compact (Compact) with Kansas and the Platte River Recovery Implementation Program (PRRIP). The Department and the District concluded that the voluntary IMP, its goals, objectives, and groundwater and surface water controls are sufficient to ensure the State's compliance under the Compact and PRRIP.
4. On May 14, 2019, the Department and the District reached agreement on the voluntary IMP, including: (a) the proposed goals and objectives, (b) the proposed geographic areas, and (c) the proposed surface water and groundwater controls. The voluntary IMP has two geographic areas that are subject to the control(s) for that area, as specified in the voluntary IMP:
  - a. The General Voluntary IMP Area that encompasses the whole District (Attachment A), and
  - b. The Platte River Special Management Area (Attachment B).
5. 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 dated June 6, 2019, the Commission determined that the adoption of the proposed voluntary IMP would have no adverse effect on threatened and endangered species or their habitat.
6. On June 13, 2019, pursuant to notices duly published in accordance with *Neb. Rev. Stat.* § 46-743, the Department and the District jointly held a public

hearing in Davenport, Nebraska on the proposed voluntary IMP. Formal written testimony by one member of the public was received.

7. Following the public hearing, the Department and District reviewed the testimony and agreed to adopt the voluntary IMP with two editorial revisions. Those revisions did not consist of any modification to the proposed goals and objectives, geographic area, or the surface water and groundwater controls of the voluntary IMP.
8. On July 9, 2019, the District's Board of Directors adopted the proposed voluntary IMP and associated groundwater controls.
9. On July 11, 2019, the Department sent a letter to the District agreeing to adopt the proposed voluntary IMP and associated surface water controls.
10. The Department met all publication requirements for this order pursuant to *Neb. Rev. Stat. § 46-744*.

#### SURFACE WATER CONTROLS ADOPTED

The surface water controls included in the voluntary IMP, for the general IMP area (Attachment A), are as follows:

1. The Department will continue to assess surface water irrigation appropriations in the Little Blue Basin, investigate their use, and initiate an adjudication process through preliminary determinations of non-use;
2. The Department will continue to enforce Nebraska Statutes and Department Rules and Regulations, as these pertain to surface water appropriations;
3. The Department will continue to evaluate proposed transfers of surface water appropriations, in accordance with Nebraska Statutes and Department Rules and Regulations;
4. The Department will require metered measuring devices on all new high capacity (greater than 50 gallons per minute) surface water irrigation uses. All measuring devices shall meet Department standards for installation, accuracy, and maintenance; and
5. The Department will institute mandatory reporting for all high-capacity (greater than 50 gallons per minute) surface water irrigation uses when a water availability trigger is met. The trigger is 24 average days of closure for surface water administration, between the period of July 1 and August 31. The average days of closure will be calculated using past 20 years of records for surface water administration. Details on this trigger are listed in Appendix E of the IMP. The Department reserves the right to institute mandatory reporting prior to the trigger being met, if deemed appropriate.

The surface water controls included in the voluntary IMP, for the Platte Special Management Area (Attachment B), are as follows:

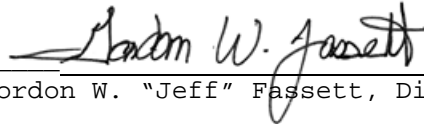
1. Surface water use moratorium. The Department will continue the moratorium on new surface water appropriations in the Platte River Special Management Area (surface water controls area); and
2. Variances for new surface water appropriations. Any person wanting to apply for a new surface water appropriation within the Platte River Special Management Area (surface water controls area) must file a petition requesting leave to file an application in accordance with Chapter 23 of the Department's Rules (457 N.A.C. 23).

#### ORDER

It is therefore ORDERED that the voluntary Integrated Management Plan for the Little Blue Natural Resources District and the surface water controls in the plan are HEREBY ADOPTED by the Department and will become effective on **August 15, 2019**.

#### DEPARTMENT OF NATURAL RESOURCES

July 15, 2019

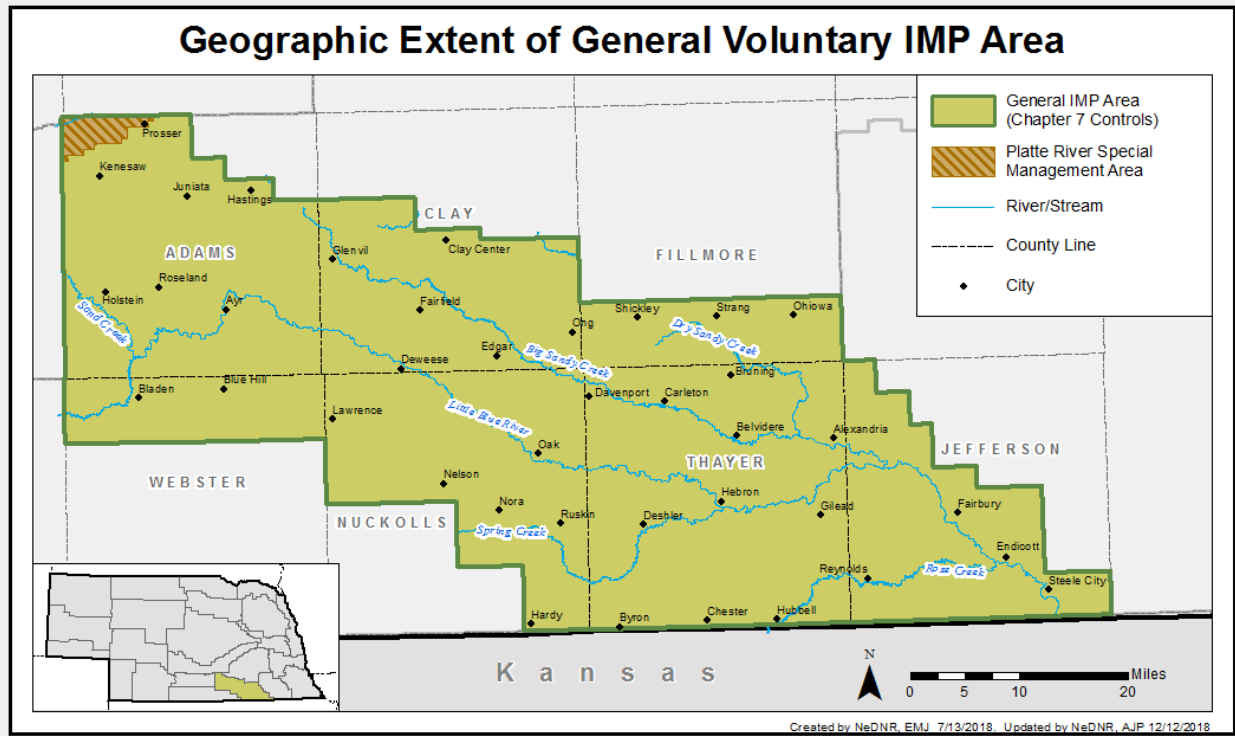


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Gordon W. "Jeff" Fassett, Director

A copy of this Order was posted on the Department's website at [dnr.nebraska.gov](http://dnr.nebraska.gov); mailed to Marlin Kimle, Board Chair, Little Blue NRD, 100 East 6<sup>th</sup> ST, P.O. Box 100, Davenport, NE 68335-0100 and Kyle Hauschild, General Manager, Little Blue NRD, 100 East 6<sup>th</sup> ST, P.O. Box 100, Davenport, NE 68335-0100 and provided to the Department of Natural Resources Lincoln Field Office. As of July 15, 2019, a copy of the adopted IMP is located on the Department's website at [dnr.nebraska.gov](http://dnr.nebraska.gov).

ATTACHMENT A: Map of the General Voluntary IMP Area



ATTACHMENT B: Map of the Platte River Special Management Area

