

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE REPUBLICAN RIVER BASIN-WIDE PLAN

Background

1. On July 16, 2004, the Department of Natural Resources (Department) made a Final Determination that the Upper Republican Natural Resources District (URNRD), Middle Republican Natural Resources District (MRNRD), and the Lower Republican Natural Resources District (LRNRD) in their entirety, are Fully Appropriated. As result of this determination, URNRD, MRNRD, and LRNRD were each required to develop an integrated management plan (IMP) jointly with the Department, under *Neb. Rev. Stat. § 46-715 (1)(a)*. The Tri-Basin Natural Resources District (TBNRD) and the Department completed a Joint Action Plan for the Republican River Basin portion of TBNRD on July 13, 2004. Because the TBNRD Joint Action Plan was completed, but not adopted, prior to July 16, 2004, the Department did not determine the Republican River Basin portion of TBNRD to be Fully Appropriated, in accordance with *Neb. Rev. Stat. § 46-720 (4)*. On July 1, 2012, the TBNRD Joint Action Plan was replaced with an IMP for the Republican River Basin portion of TBNRD, jointly developed by TBNRD and the Department.
2. The Department and the Republican River Basin Natural Resources Districts, or Republican Basin NRDs (URNRD, MRNRD, LRNRD, and TBNRD) consulted and collaborated on the development of the Republican River Basin-Wide Plan (Basin-Wide Plan) with a group of stakeholders, in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev. Stat. § 46-755*. The Stakeholder Advisory Committee consisted of the statutorily required entities and other entities that were identified by the Republican Basin NRDs and the Department for inclusion in the group. Completion of the Basin-Wide Plan was required within five years of April 17, 2014, as specified by LB1098, 2014, codified as *Neb. Rev. Stat. § 46-755*.
3. The Stakeholder Advisory Committee held 15 meetings beginning in March 2015, with the final meeting held on June 26, 2018. The Stakeholder Advisory Committee, Department, and Republican Basin NRDs (all parties) reached agreement on 13 of 16 plan sections and appendices: (1) Introduction, (2) Goals and Objectives, (3) Monitoring, (5) Funding, (7) Glossary, (A) Local Hydrology, (B) Data and Information Used During Plan Development, (C) Plan Development, (D) Relevant History of Groundwater and Surface Water Management, (F) Watershed Management Presentation Materials, (G) Water Market Summary, (H) 2018-2022 Allocation Summary, and (I) Riparian Evapotranspiration and Removal of Invasive Vegetation. The Stakeholder Advisory Committee, Department, and Republican Basin NRDs were unable to reach agreement on the remaining three plan sections and appendices: (4) Plan Implementation Schedule, (6) Plan Area, (E) Procedures for Addressing Conflicts Resulting from Implementation of the Republican River Basin-Wide Plan.
4. All parties did not reach agreement on the contents of the full Basin-Wide Plan. Consequently, the Republican Basin NRDs and the Department continued to work on the Basin-Wide Plan, in accordance with *Neb. Rev. Stat. § 46-755 (5)(c)*. The Republican Basin NRDs and the Department reached agreement on the proposed goals, objectives, and all other components of the Basin-Wide Plan, including all 16 plan sections and appendices listed in item 3 above. No groundwater or surface water controls are contained in the proposed Basin-Wide Plan. For the 13 plan sections and appendices on which all parties reached agreement, the language agreed upon by the Republican Basin NRDs and the Department is consistent with the language and intent the Stakeholder Advisory Committee voted to approve. For the three remaining sections, the language agreed upon by the Republican Basin NRDs and the Department for each section is consistent with the language and intent that were most strongly supported by votes at the final stakeholder

meeting. Letters acknowledging the agreement were exchanged between the Republican Basin NRDs and the Department.

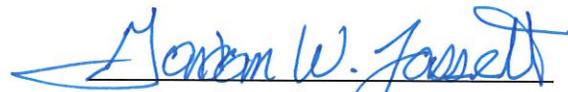
5. The Department consulted with the Nebraska Game and Parks Commission (Commission), in accordance with *Neb. Rev. Stat. § 37-807*. As stated in the Commission's response letter dated September 4, 2018, the Commission determined that the adoption of the proposed Basin-Wide Plan would have no adverse effect on threatened and endangered species.
6. The Department and each of the Republican Basin NRDs held joint public hearings on the proposed Basin-Wide Plan on November 13 and 14, 2018, pursuant to *Neb. Rev. Stat. § 46-755 (e)*. Notice of each joint hearing was published in one or more newspapers of general circulation in each Republican Basin NRD. Copies of the hearing draft of the proposed Basin-Wide Plan were made available at each Republican Basin NRD office, at the Department office in Lincoln, Nebraska, and on the Department website, [dnr.nebraska.gov](http://dnr.nebraska.gov).
7. The testimony and exhibits received at each of the joint public hearings were discussed and considered by the Department and the Republican Basin NRDs. Modifications were made to the proposed Basin-Wide Plan after considering all of the testimony and exhibits, based on information and suggestions included in the testimony and exhibits. All modifications were non-substantive, and no modifications were made to the goals and objectives, measurable hydrologic objectives, plan schedule, plan area, or any other statutorily required plan component.
8. The respective Boards of Directors of each Republican Basin NRD approved a motion to adopt the final draft of the proposed Basin-Wide Plan, including the agreed-upon modifications from the hearing draft, with the exception that the placeholder for the effective date of the plan will be replaced with a date that is consistent with the effective date stated in this Order and the Orders issued by the Republican Basin NRDs, and they notified the Department of their decisions. The Department responded with a letter agreeing with each District's proposal to adopt the final draft of the proposed Basin-Wide Plan as described.
9. The Basin-Wide Plan is available on the Water Planning section of the Department website, [dnr.nebraska.gov](http://dnr.nebraska.gov), at each Republican NRD office, and at the Department office in Lincoln, Nebraska.

#### Order

It is hereby ORDERED that the Basin-Wide Plan for Joint Integrated Water Resources Management of the Republican River Basin, Nebraska, as described above, is hereby adopted by the Department and will become effective on **March 1, 2019**.

DEPARTMENT OF NATURAL RESOURCES

January 24, 2019



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

On January 24, 2019, a copy of this Order was posted on the Department's website at [dnr.nebraska.gov](http://dnr.nebraska.gov), provided to the Department's field office in Cambridge, Nebraska, and mailed to Jasper Fanning, General Manager, URNRD, P.O. Box 1140, Imperial, NE 69033; Jack Russell, General Manager, MRNRD, P.O. Box 81, Curtis, NE 69025; Todd Siel, General Manager, LRNRD, P.O. Box 618, Alma, NE 68920, and John Thorburn, General Manager, Tri-Basin NRD, 1723 Burlington St, Holdrege, NE 68949.