

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE SECOND INCREMENT BASIN-WIDE PLAN FOR JOINT  
INTEGRATED WATER RESOURCES MANAGEMENT OF OVERAPPROPRIATED  
PORTIONS OF THE PLATTE RIVER BASIN, NEBRASKA

BACKGROUND

1. On September 15, 2004, the Department designated the Platte River Basin upstream of the Kearney Canal diversion, the North Platte River Basin including Pumpkinseed Creek, and the South Platte River Basin including Lodgepole Creek as overappropriated. Portions of the North Platte Natural Resources District (NPNRD), South Platte Natural Resources District (SPNRD), Twin Platte Natural Resources District (TPNRD), Central Platte Natural Resources District (CPNRD), and the Tri-Basin Natural Resources District (TBNRD), collectively known as the Districts, were designated as overappropriated.
2. Beginning in 2005, the Department and the Districts developed the first increment *Basin-Wide Plan For Joint Integrated Water Resources Management Of Overappropriated Portions Of The Platte River Basin, Nebraska* (Plan or Basin-Wide Plan) pursuant to all applicable State statutes, in consultation and collaboration with a group of stakeholders, which became effective on September 11, 2009.
3. In 2016, in accordance with *Neb. Rev. Stat. § 46-715(5)(d)(iii)* and the first increment Basin-Wide Plan, the Department and the Districts initiated a technical analysis to determine whether the measures adopted in the first increment Basin-Wide Plan and individual NRD's integrated management plans were sufficient to offset depletions due to water uses initiated after July 1, 1997, and whether the measures adopted in the first increment have returned the Districts to a fully appropriated condition.
4. Based on the results of this technical analysis, the Department and the Districts jointly determined that a second 10-year Plan was necessary to meet the goals and objectives of the Plan and reduce the overall difference between current and fully appropriated levels of development in the basin.
5. Beginning in 2016, the Department and the Districts, pursuant to *Neb. Rev. Stat. § 46-715(5)(d)(iv)*, consulted and collaborated with a group of stakeholders on the development of the second increment Plan. The stakeholder group consisted of statutorily required entities and other entities that were identified by the District and the Department to be included in the group. Through this process of consultation and collaboration, the Department and District jointly developed a second increment Plan in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev. Stat. § 46-715*.
6. Agreement was not reached by the Stakeholder Group on the contents of the Basin-Wide Plan. Consequently, pursuant to *Neb. Rev. Stat. § 46-715(5)(b)*, the Districts and the Department continued to work on the Basin-Wide Plan. Agreement between the Districts and the Department was reached on the proposed goals, objectives, and other components

of the Basin-Wide Plan. Letters acknowledging the agreement were exchanged between the Districts and the Department. No groundwater or surface water controls are contained in the proposed Basin-Wide Plan.

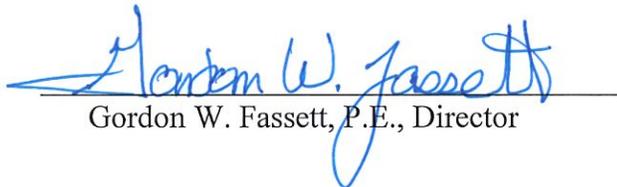
7. The Department consulted with the Nebraska Game and Parks Commission (NGPC) in accordance with *Neb. Rev. Stat.* § 37-807(3). As stated in the July 15, 2019, response, NGPC determined that the adoption of the proposed second increment Plan would have no adverse effect on threatened and endangered species or their habitat.
8. After published notices, the Districts and the Department jointly held five public hearings on July 15 through July 18, 2019, on the proposed second increment Plan, in accordance with *Neb. Rev. Stat.* § 46-743(2).
9. Following the hearings, the Department and the Districts jointly considered the testimony and exhibits provided, made non-substantive typographical modifications, added to page four the appropriate dates to the placeholders indicating the effective date of the Plan and the time period of the second increment, and agreed to adopt and implement the proposed second increment Basin-Wide Plan.

ORDER

It is hereby ORDERED that the Second Increment *Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska* is hereby ADOPTED by the Department and will become effective on **September 11, 2019**.

DEPARTMENT OF NATURAL RESOURCES

August 9, 2019

  
Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's field offices in Bridgeport, North Platte, and Ord, Nebraska. Copies of this Order were mailed on August 9, 2019, to the following:

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