

TWIN PLATTE NATURAL RESOURCES DISTRICT

ORDER ADOPTING THE BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER RESOURCES MANAGEMENT OF OVER-APPROPRIATED PORTIONS OF THE PLATTE RIVER BASIN, NEBRASKA

Background

1. In July, 2004, the Nebraska Department of Natural Resources (NE DNR) preliminarily designated a portion of the Twin Platte Natural Resources District (TPNRD) as Fully Appropriated. In September, 2004, the NE DNR issued its final decision designating the entirety of the TPNRD as Fully Appropriated.
2. In September 2004, the NE DNR issued an order of final determination that the Platte River above Elm Creek, Nebraska was Over-Appropriated, including that area within the TPNRD where hydrologically connected ground water and surface water had previously been identified (i.e., the "28/40 Area").
3. In accordance with the Ground Water Management and Protection Act, specifically, Neb.Rev.Stat. § 46-715, the NE DNR and the five basin Natural Resources Districts (Districts) (North Platte, South Platte, Twin Platte, Central Platte, and Tri-Basin NRDs) consulted and collaborated with a group of stakeholders for the purpose of developing a Basin-Wide Plan for joint integrated water resources management. The Stakeholder Group consisted of the statutorily required entities, as well as other entities identified by the Districts and the NE DNR. A subcommittee of the Stakeholder Group was formed to draft the Basin-Wide plan and met numerous times during this period. The Stakeholders Group, however, was unable to reach agreement on the content of the Basin-Wide Plan.
4. Because the Stakeholder Group did not reach agreement on the contents of the Basin-Wide plan, the Districts and the NE DNR, pursuant to Neb. Rev. Stat. § 46-715(4)(b), reached agreement on the proposed goals, objectives, and components of the Basin-Wide plan for joint integrated water resources management.
5. Pursuant to notices duly published in accordance with Neb. Rev. Stat. § 46-743, the Districts and the NE DNR jointly held public hearings on the proposed Basin-Wide Plan for joint integrated water resources management. Copies of the proposed Basin-Wide

Plan were made available at the TPNRD office in North Platte, Nebraska, at the NE DNR office in Lincoln, Nebraska, on the TPNRD's website, and on the NE DNR's website.

6. After considering the comments made at public hearings and other information and written comments received, the NE DNR and the Districts each decided to adopt and implement the proposed Basin-Wide Plan for the purpose of joint integrated water resources management, as well as to carry out the goals, objectives, and components of the Basin-Wide Plan.

Goals Adopted The goals included in the Basin-Wide Plan are as follows:

- (1) Incrementally achieve and sustain a Fully Appropriated condition.
- (2) Prevent reductions in the flow of a river or stream that would cause noncompliance with an interstate compact or decree or other formal state contract or agreement.
- (3) Keep the Plan current.
- (4) Work cooperatively to identify and investigate disputes between ground water users and surface water appropriators and, if determined appropriate, implement management solutions to address such issues.

Components of the Plan

- (1) Goal 1, Objective 1: Offset impacts of streamflow depletions to (A) surface water appropriations and (B) 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.
- (2) Goal 1, Objective 2: Actively pursue funding for offsets and develop and maintain data and analytical tools, such as COHYST and other programs and projects needed to implement this Plan.
- (3) Goal 1, Objective 3: Continue to develop the methodology to calculate the difference between the current and Fully Appropriated levels of development in each NRD.

- (4) Goal 1, Objective 4: Conduct a technical analysis as described in Neb. Rev. Stat. § 46-715(4)(d)(iii) for this Plan and the individual Platte River Basin NRD IMPs after they have been in effect for at least five years, to determine whether the controls adopted in the respective plans or other management actions taken by the NRD are sufficient to offset depletions due to post-July 1, 1997, water uses and whether the provisions of this Plan and the IMPs are adequate to sustain progress toward a Fully Appropriated level of water use.
- (5) Goal 1, Objective 5: Use available funds to offset depletions due to water uses initiated prior to July 1, 1997, that are identified as part of the overall difference between current and Fully Appropriated levels of development.
- (6) Goal 1, Objective 6: Adopt and implement integrated management plans (IMPs) in each Platte River Basin NRD.
- (7) Goal 2, Objective 1: Prevent streamflow depletions that would cause noncompliance by Nebraska with the NDP included within the Program, for as long as a Program exists.
- (8) Goal 3, Objective 1: Meet at least annually to review progress toward achieving the goals and objectives of the Basin-Wide Plan and those portions of individual NRD IMPs that implement this Plan.
- (9) Goal 3, Objective 2: Gather and evaluate data and information to measure the effectiveness of controls, incentives and or other programs in the individual NRD IMPs used to implement this Plan.
- (10) Goal 4, Objective 1: Identify disputes between ground water users and surface water appropriators.
- (11) Goal 4, Objective 2: Investigate and address disputes between ground water users and surface water appropriators based on the investigation results.

ORDER

It is therefore ORDERED that the Basin-Wide Plan for joint integrated water resources management of the Over-Appropriated portions of the Platte River Basin, and the goals, objectives and components in the plan are hereby adopted by the Twin Platte Natural Resources District and will become effective September 11, 2009.

TWIN PLATTE NATURAL RESOURCES DISTRICT

Jim Rubenthaler, Chair – Board of Directors

September 10, 2009

On September 11, 2009, a copy of this Order was posted on the Twin Platte Natural Resources District's website and mailed to Brian Dunnigan, Director of the Nebraska Department of Natural Resources, Centennial Mall South, 4th Floor State Office Building, Lincoln NE 68509-4676.