

**BY ORDER OF THE TWIN PLATTE NATURAL RESOURCES DISTRICT
AMENDING THE INTEGRATED MANAGEMENT PLAN**

In the matter amending the Integrated Management Plan (IMP):

This matter came on for consideration by the Board of Directors of the Twin Platte Natural Resources District (“TPNRD” or “District”) in conjunction with a public hearing that was opened on January 3, 2013, at the Holiday Inn Express, 300 Holiday Frontage Road, North Platte, Nebraska, and which hearing was closed on that same day. All persons present were given an opportunity to testify. Persons wishing to provide written testimony were given until 12:00 p.m. on January 3, 2013, to do so.

Notices of the January 3, 2013, public hearing were published in a newspaper published or of general circulation in the affected area at least once each week for three (3) consecutive weeks, the last publication of which was not less than seven (7) days prior to the January 3, 2013 hearing. The newspapers in which the Notices appeared and the publication schedule are as follows:

North Platte Telegraph
December 13, 2012
December 20, 2012
December, 27, 2012

At the time that the foregoing Notices were published, copies of the proposed amended IMP were also made available from the TPNRD office in North Platte, Nebraska; from the Nebraska Department of Natural Resources (“NDNR” or “Department”) office in Lincoln, Nebraska; from the TPNRD’s website; and from the Department’s website.

BACKGROUND AND HISTORY

In December of 2003, the TPNRD requested the Department to conduct studies and to hold a hearing on the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water within the District. On February 12, 2004, the TPNRD adopted Rules and Regulations for the “Temporary Suspension of Drilling New Wells” within a specifically-defined portion of the District. That “Temporary Suspension,” which took effect on July 1, 2004, applied to those lands within the then-defined stream depletion factor line representing a cumulative depletion to stream baseflow of 28% of a hypothetical pumping volume in a 40-year period (the “28/40 area”).

On July 16, 2004, when the LB 962 amendments to the Nebraska Ground Water Management and Protection Act (the “Act”) took effect, and pursuant to Neb. Rev. Stat. § 46-720, the Department issued a notice of preliminary determination that the TPNRD was fully appropriated. That determination continued the stay on the drilling of new ground water wells in that part of the TPNRD previously subject to the “Temporary Suspension,” and provided for an additional stay on new irrigated acres.

On September 15, 2004, the director of the Department designated the Platte River Basin above the Kearney Canal diversion as “overappropriated,” and identified the area in which the surface water and ground water are considered to be “hydrologically connected” for purposes of the overappropriated designation. That area coincided with the 28/40 area. As a result of that designation, additional land area within the TPNRD became subject to stays on new wells and stays on increases in irrigated acres.

On September 30, 2004, the director of the Department designated the entire TPNRD as “fully appropriated.” As required by Neb. Rev. Stat. § 46-720 (3) (b), stays on new wells and stays on increases in irrigated acres were limited to that area within the District that had been designated as overappropriated.

On March 29, 2005, the TPNRD formed the TPNRD Stakeholders Group to assist in developing an integrated management plan. The TPNRD, the Department, and members of the Stakeholders Group thereafter proceeded to jointly develop the IMP and the proposed controls.

In January 2006, the Board of the TPNRD designated the entire District as a Ground Water Management Area, which designation became effective on February 24, 2006. Pursuant to that designation, a stay was imposed on the issuance of high capacity water well construction permits throughout the TPNRD. On May 17, 2007, the board of the TPNRD adopted a district-wide stay on the use of an existing water well to increase the number of acres historically irrigated, which stay became effective on June 18, 2007.

In 2009, the Department and the TPNRD (working with the Stakeholders Group) reached agreement regarding the following: (a) the proposed goals and objectives of the IMP; (b) the proposed geographic area to be subject to the controls; and (c) the surface water and ground water controls, as well as incentive programs, proposed for adoption and implementation. Pursuant to Neb.Rev.Stat. § 46-718, the TPNRD and the DNR scheduled and held a Public Hearing on July 2, 2009, the purpose of which was to take testimony on the proposed IMP and the proposed controls. Notice of such hearing was published as provided in Neb.Rev.Stat. § 46-743.

On October 18, 2012, the TPNRD entered into an Interlocal Cooperation Agreement with the Upper Republican Natural Resources District, the Lower Republican Natural Resources District and the Middle Republican Natural Resources District, to provide for the creation, governance and operation of the Nebraska Cooperative Republican Platte Enhancement Project (“N-CORPE”), a joint entity constituting a separate body corporate and politic of the State of Nebraska, organized and existing under Sections 13-801 to 13-827, R.R.S. Neb. 2007. The N-CORPE was formed by the above-named Natural Resources Districts for the purpose of owning, operating and financing a land reserve and river flow enhancement project consisting of approximately 19,500 acres of agricultural real estate and certain water transmission and distribution facilities and related equipment and improvements to land (the “Project”) and to issue bonds on behalf of the Districts. On November 8, 2012, the TPNRD Board adopted a Resolution declaring its intent to issue a limited obligation occupation tax supported river flow enhancement bond in the amount of Twenty-Five Million Dollars (\$ 25,000,000.00), for the purpose of paying a portion of the costs of the Project; confirming the Interlocal Cooperation Act Agreement by and among the District and the other named Natural Resources Districts; making certain undertakings with respect to the “irrigated” status of the project land; and providing for the effectiveness of the Resolution. It is now necessary for the District to amend its IMP in order to carry out the purposes of this Paragraph.

AMENDMENTS TO INTEGRATED MANAGEMENT PLAN

Authority - The Board of the District considered all written and oral testimony submitted and, in open session at the January 3, 2013 Meeting, approved a motion signifying that it had reached agreement with the NDNR to adopt and implement the proposed amended IMP without modifications. The authority for the TPNRD’s actions is found in the Act, Neb.Rev.Stat. §§ 46-701 to 46-753 (Reissue 2004).

Purpose - The purpose of this Order is to amend the District’s IMP to add the following language to both Chapters 5 and 6 of the IMP:

“It is the intent of the District to utilize qualified projects described in Neb. Rev. Stat. §2-3226.04 to provide river-flow enhancement to achieve the goals and objectives of the District and to achieve the goals and objectives of the State under the Platte River Recovery Implementation Program and the requirements of the Ground Water Management and Protection Act. The District may pay for such projects by using the occupation tax provided in Neb. Rev. Stat. §2-3226.05, funds granted to the District by the State or Federal government, or the levy authority authorized by Neb. Rev. Stat. §2-3225.”

Adding the foregoing quoted language is the only proposed amendment to the IMP at this time.

Geographic and Stratigraphic Area Boundaries of the Integrated Management Subarea - The entire District has already been established as an integrated management subarea, and the entire geographic area of the TPNRD is subject to the amended IMP, including the area within the boundaries of the TPNRD determined to be fully appropriated (map 1) and the area designated as overappropriated (map 2). The stratigraphic boundaries subject to the IMP include all sediments from ground level downward through all aquifer units.

General Description of Controls in the IMP

The existing ground water and surface water controls for the fully appropriated portion of the TPNRD, and for the overappropriated portions of the TPNRD, set forth in Chapters 5 and 6 respectively of the current IMP, shall remain the same.

DECISION, ACTION, AND ORDER

BY VIRTUE OF THE AUTHORITY VESTED IN THE TWIN PLATTE NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS by the Nebraska Revised Statutes, Sections 46-701 to 46-753, after considering the testimony received during the January 3, 2013 hearing, and being otherwise fully advised in the premises, the Board FINDS AND ORDERS as follows:

1. The Integrated Management Plan is hereby amended as proposed and shall be implemented.
2. The controls set forth in the Integrated Management Plan shall continue to be implemented in accordance with Neb. Rev. Stat. § 46-739 and applicable law.
3. The Integrated Management Plan, as amended, is incorporated into this Order by reference as though fully set forth herein.
4. This Order and the amended IMP shall become effective on February 7, 2013.

Location Where a Copy of the Full Text of the Integrated Management Plan May be Obtained:

A copy of the IMP is available for inspection at the office of the TPNRD located at 111 South Dewey Street in North Platte, Nebraska (during normal weekday working hours). Such IMP is also available on the District Website at www.tpnrd.org.

This Order was adopted and issued on January 10, 2013.

The Effective date of the Order shall be February 7, 2013.