

NOTICE OF PUBLIC HEARING
RELATING TO THE TWIN PLATTE NATURAL RESOURCES DISTRICT AND THE
NEBRASKA DEPARTMENT OF NATURAL RESOURCES INTEGRATED MANAGEMENT
PLAN AND GROUND WATER AND SURFACE WATER CONTROLS

Pursuant to Section 46-718 of Nebraska Revised Statutes, the Twin Platte Natural Resources District (TPNRD) and the Nebraska Department of Natural Resources (Department) hereby provide notice that the TPNRD and the Department shall hold a public hearing on Thursday, July 2, 2009 at 7:30 p.m., at the Holiday Inn Express, 300 Holiday Frontage Road, North Platte, Nebraska 69101. As required by Section 46-718(1), the purpose of the hearing is to take testimony on the proposed TPNRD/Department integrated management plan (IMP) and proposed controls. The proposed IMP and proposed controls encompass the entirety of the overappropriated and fully appropriated land area within the TPNRD. The proposed IMP describes the authority, background, boundaries, goals, objectives, components, and regulatory and non-regulatory surface water and ground water controls/action items, for those portions of the TPNRD that have been designated as fully appropriated and/or overappropriated. The monitoring and studies section of the proposed IMP describes the procedure for monitoring implementation progress, and for the identification of additional data that may need to be collected and evaluated. The process for review of and modifications to the IMP is also included.

The proposed ground water controls for the fully appropriated portion of the TPNRD are set forth in Chapter 5 of the IMP and consist of the following: 1) a moratorium on the issuance of new water well construction permits, and on new or expanded ground water consumptive uses; 2) certification of irrigation uses; 3) provisions for ground water transfers; 4) municipal use, accounting and offsets (i.e., an accounting system to monitor and document required offsets due to municipal growth, and designation of responsibility (municipality or the TPNRD) for

providing such offset); and 5) non-municipal industrial and commercial use, accounting and offsets (i.e., an accounting system to monitor and document required offsets due to non-municipal industrial or commercial growth, and designation of responsibility (commercial/industrial user or the TPNRD) for such offset). The proposed surface water controls for the fully appropriated portion of the TPNRD are also set forth in Chapter 5 of the IMP and consist of the following: 1) continuing the moratorium on new surface water appropriations; 2) transfers of appropriations would be subject to statutory criteria and Department rules; 3) continuation of surface water administration and monitoring of use of surface water; 4) no additional requirements of surface water appropriators to use additional conservation measures; and 5) no other reasonable restrictions on surface water use.

In order to determine whether ground water regulatory actions are needed in the overappropriated area, stream depletion amounts will be compared with stream accretions resulting from actions taken by the TPNRD. As long as the annual net sum of the accretions resulting from TPNRD's actions and the annual depletions are less than or equal to zero, regulatory actions will not be required. If regulatory actions are required, the ground water controls that may be implemented for the overappropriated portion of the TPNRD are set forth in Chapter 6 of the IMP, and would consist of limiting the amount of consumptive use on certified irrigated acres. The methods for implementing a limit on the amount of consumptive use include, but are not necessarily limited to, the following: 1) alternative crop mixes; 2) reduction of certified irrigated acres; and/or 3) allocations (i.e., a uniform allotment of the withdrawal of ground water to be applied to certified irrigated acres during a specified period of time). The proposed surface water controls for the overappropriated area are the same as those described for the fully appropriated portion of the IMP.

Any interested person may appear at the hearing and present written or oral testimony concerning the proposed IMP and proposed controls. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the TPNRD or the Department by June 25, 2009. Testimony relevant to the purposes of the hearing may also be submitted in writing by regular mail, addressed to the Twin Platte Natural Resources District, TierOne Bank Center, 111 South Dewey St., 2nd Floor, P.O. Box 1347, North Platte, NE 69103-1347; or in writing by electronic-mail addressed to the TPNRD at komiller@tpnrd.org or afisher@tpnrd.org; in writing by regular mail addressed to the Department of Natural Resources, 301 Centennial Mall South, P.O. Box 94676, Lincoln, NE 68509-4676; or in writing by electronic-mail addressed to the Department at jim.schneider@nebraska.gov. All written testimony must be received by the TPNRD and/or the Department no later than 5:00 p.m., on July 2, 2009.

For further information regarding the proposed IMP and proposed controls, or to obtain the full text of the proposed IMP and proposed controls, refer to the TPNRD website at <http://www.tpnrd.org> or the Department's website at <http://www.dnr.ne.gov>; contact the TPNRD or the Department at the addresses above; or contact the TPNRD at (308) 535-8080 or the Department at (402) 471-2363.

The TPNRD and the Department will make a joint decision within 60 days following the public hearing on the proposed IMP and proposed controls as to whether to implement the proposed IMP with or without modifications, and whether to adopt and implement the ground water and surface water controls proposed in the IMP.