

# ***NEWS RELEASE***

***Nebraska Department of Natural Resources***

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## **FOR IMMEDIATE RELEASE**

**January 25, 2008, 1:30 p.m. CDT**

## **CONTACT**

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Today the Department of Natural Resources announced that it had made a final determination that the portion of the Lower Niobrara River Basin between the Mirage Flats Diversion Dam and the Spencer Hydropower Plant is fully appropriated. The fully appropriated basin includes portions of the Upper Niobrara White Natural Resources District, the Middle Niobrara Natural Resources District, the Lower Niobrara Natural Resources District, the Upper Loup Natural Resources District, and the Upper Elkhorn Natural Resources District.

The 2008 Annual Evaluation of Availability of Hydrologically Connected Water Supplies was issued October 16, 2007, at the same time, the Department also made a preliminary determination that this area of the Niobrara basin is fully appropriated. Before issuing its final determination, the Department held three public hearings on the report: two hearings were held on December 20, 2007 in Atkinson and Valentine, Nebraska; and one hearing was held December 27, 2007 in Gordon, Nebraska.

Nebraska law states one of the factors the Department must evaluate to determine whether a basin is fully appropriated, is whether or not the surface water supply is sufficient to sustain over the long term the beneficial or useful purposes for which existing natural flow or storage appropriations were granted. Based on its analysis, the Department determined that there was not sufficient water in the Niobrara River Basin to supply the beneficial purposes of all existing natural flow and storage appropriations.

The area in which surface water and ground water supplies are determined to be hydrologically connected in the fully appropriated area includes the surface water shed in which surface water drains to the Niobrara River between the Mirage Flats Diversion Dam south of Chadron, Nebraska to the Spencer Hydropower Dam near Spencer, Nebraska (Map 1) and the ground water aquifers that are hydrologically connected to that same stretch of the Niobrara River (Map 2). According to Department rules, the ground water area considered to be hydrologically connected to the stream includes the area within which the pumping of a well for 50 years will deplete the river or a baseflow tributary of the river by at least 10% of the amount pumped over 50 years.

The issuance of the final determination that a basin is fully appropriated initiates a number of actions that must be taken by the Department and by the affected natural resources districts. The stays on new surface water uses and on increases in the number of surface water irrigated acres, that took effect as a result of the Department's preliminary determination that the portion of the Lower Niobrara River Basin between the Mirage Flats Diversion Dam and the Spencer Hydropower Plant is fully appropriated shall remain in effect until (a) they are terminated pursuant to law, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) or the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated. The stays on the construction of new water wells and on increases in acres irrigated with ground water remain in effect unless terminated by the pertinent natural resources district. A copy of the full text of the Department's order is available on the Department's web site [www.dnr.ne.gov](http://www.dnr.ne.gov).