

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE TWIN PLATTE NATURAL RESOURCES DISTRICT  
INTEGRATED MANAGEMENT PLAN AND  
ASSOCIATED SURFACE WATER CONTROLS

Background

1. The Department of Natural Resources (Department) and the Twin Platte Natural Resources District (District) jointly adopted an integrated management plan (IMP) in 2009 in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev. Stat.* §§ 46-715, 46-717, 46-718, and 46-720. The 2009 IMP contained the following required elements agreed upon by both the District and Department (a) goals and objectives of the IMP for the affected river basin, subbasin, or reach, (b) geographic area subject to the controls, (c) surface water controls that are adopted and implemented by the Department and the groundwater controls, adopted and implemented by the District through the District's Ground Water Management Area Rules and Regulations, (d) incentive programs for adoption and implementation in the river basin, subbasin, or reach.
2. On December 11, 2012, the District and Department reached agreement to modify the IMP to include the addition of language to the IMP, pursuant to *Neb. Rev. Stat.* §§ 2-3225 and 2-3226. No additional modifications to the IMP were sought.
3. Pursuant to *Neb. Rev. Stat.* § 46-743, the Department and the District published joint notice of hearing for the revised IMP.
4. The Department consulted with the Nebraska Game and Parks Commission (Commission), in accordance with *Neb. Rev. Stat.* § 37-807. As stated in the Commission's response letter received on January 3, 2013, the Commission determined that the adoption of the proposed IMP would have no adverse effect on threatened and endangered species or their habitat.
5. On January 3, 2013, a public hearing was held on the proposed revisions to the IMP.
6. After considering testimony provided at the hearing on January 3, 2013, the Department and District exchanged letters agreeing to adopt the proposed IMP.

Continuation of Surface Water Controls

The following surface water controls, unmodified from the August 13, 2009, IMP will remain effective within the District IMP:

1. The Department will continue the moratorium on new surface water appropriations in the portion of the Platte River Basin within the boundaries of the TPNRD unless a variance is granted by the Department according to its rules and regulations.



2. Transfers of surface water appropriations will be in accordance with statute and Department rules and regulations.
3. The Department shall continue to administer surface water appropriations according to the provisions of the permit, statute, Department rules and regulations, and any applicable interstate compact decree or agreement.
4. The Department shall continue to monitor the use of surface water to prevent unauthorized uses.
5. Except as provided here, the Department will not require surface water appropriators to apply or use conservation measures. If, at some point in the future, the Department requires surface water appropriators to apply or use conservation measures, in accordance with *Neb. Rev. Stat. § 46-716 (2)* the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred and eighty (180) days, unless extended by the Department, to identify conservation measures to be applied or used and to develop a schedule for such application and use.
6. Except as provided here, the Department will not require any other reasonable restrictions on surface water use. If, at some point in the future, the Department requires other reasonable restrictions on surface water use, such restrictions must be consistent with the intent of *Neb. Rev. Stat. § 46-715* and the requirements of *Neb. Rev. Stat. § 46-231*. If, at some point in the future, the Department requires other reasonable restrictions on surface water use, in accordance with *Neb. Rev. Stat. § 46-716 (2)* the surface water appropriators will be allowed a reasonable amount of time, not to exceed one hundred and eighty (180) days, unless extended by the Department, to comment on proposed restrictions.

#### Order

It is therefore ORDERED that the integrated management plan for the Twin Platte Natural Resources District presented at the January 3, 2013, hearing and the surface water controls included in the plan are hereby adopted and will become effective on February 7, 2013; thus, superseding the August 13, 2009, Twin Platte Natural Resources District Integrated Management Plan Order by the Department.

DEPARTMENT OF NATURAL RESOURCES

January 14, 2013

  
Brian P. Dunnigan, P.E., Director

Any person with sufficient legal interest who has been or may be substantially affected by the Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (*Neb. Rev. Stat. § 84-0901 et. seq.*) and the Department's Rules of Practice and Procedure (454 *Neb. Admin. Code* Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 15 days of the date of this Order and be accompanied by a filing fee of \$10.00.

On January 14, 2013, a copy of this Order was posted on the Department's website and mailed to Kent Miller, General Manager, Twin Platte Natural Resources District, 111 South Dewey Street, P.O. Box 1347, North Platte, NE 69103-1347, and to the Department of Natural Resources field offices.