

**BY ORDER OF
THE NORTH PLATTE NATURAL RESOURCES DISTRICT
ORDER ADOPTING THE BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER
RESOURCES MANAGEMENT OF OVERAPPROPRIATED PORTIONS OF THE
PLATTE RIVER BASIN, NEBRASKA
ORDER NUMBER NPNRD-18**

This matter came on for consideration before the North Platte Natural Resources District (NPNRD or District) Board of Directors (Board) pursuant to Neb. Rev. Stat. § 46-715, which requires the Natural Resources Districts within the overappropriated portion of the Platte River Basin and the Nebraska Department of Natural Resources (Department) to jointly develop a basin-wide plan for the overappropriated portion of the Platte River Basin (basin-wide plan).

The Board FINDS:

1. On September 15, 2004, the Department adopted an Order designating the Platte River Basin upstream of the Kearney Canal diversion as overappropriated. Portions of the NPNRD, South Platte Natural Resources District, Twin Platte Natural Resources District, Central Platte Natural Resources District, and the Tri-Basin Natural Resources District (Platte Basin NRDs) were designated as overappropriated.
2. Due to the Department's Order designating the Platte River Basin upstream of the Kearney Canal diversion as overappropriated, the Platte Basin NRDs and the Department were required to jointly develop a basin-wide plan concurrently with the development of the integrated management plans for each of the Platte Basin NRDs.
3. The Platte Basin NRDs and the Department formed a Stakeholders Group to assist in developing the basin-wide plan using a consultation and collaboration process pursuant to Neb. Rev. Stat. § 46-715(4)(b). The Stakeholders Group included persons representing irrigation districts, public power and irrigation districts, municipalities, and other interests. Stakeholders Group meetings were held beginning in 2005 through December 16, 2008. A subcommittee of the Stakeholders Group was formed to draft the basin-wide plan and met numerous times during this period. The Stakeholders Group was unable to reach agreement on the content of the basin-wide plan.
4. Since agreement was not reached by the Stakeholders Group on the contents of the basin-wide plan, the Platte Basin NRDs and the Department reached agreement on the basin-wide plan pursuant to Neb. Rev. Stat. § 46-715(4)(b).
5. The NPNRD Board passed a motion at the April 9, 2009, regular Board meeting to send a letter to the Department reciting that agreement between the NPNRD and the Department had been reached on the proposed basin-wide plan. The Board then sent a letter notifying the Department of this agreement. The Department responded with a letter agreeing with the NPNRD that agreement on the proposed basin-wide plan had been reached.
6. The NPNRD and the Department held a joint public hearing on the proposed basin-wide plan on June 17, 2009, pursuant to Neb. Rev. Stat. §§ 46-715(4)(a) and 46-743. Notice of such public hearing was published in the Scottsbluff Star-Herald on May 27, June 3, and June 10, 2009. Copies of the proposed basin-wide plan were made available at the NPNRD office in Scottsbluff, Nebraska, at the Department office in Lincoln, Nebraska, on the NPNRD's website, and on the Department's website.
7. Testimony was received at the public hearing from NPNRD, the Department, and Central Nebraska Public Power and Irrigation District. The NPNRD, the Department, and Central Nebraska Public Power and Irrigation District provided exhibits to be made part of the record. The testimony and all of the exhibits received at the public hearing were distributed to each member of the NPNRD Water Resources Subcommittee on July 7, 2009, for discussion and consideration at the July 7 and July 30, 2009, NPNRD Water Resources Subcommittee meetings. The testimony and all of the exhibits were distributed to each member of the Board at the July 9, 2009, regular Board meeting for discussion and consideration at the July 30 and September 10, 2009, Board meetings.

8. At the July 30, 2009, special Board meeting, the Board approved a motion proposing to implement the proposed basin-wide plan. The Board then sent a letter notifying the Department of this action. The Department responded with a letter dated August 27, 2009, agreeing with the Board's proposal to implement the proposed basin-wide plan.

It is therefore CONCLUDED that the North Platte Natural Resources District should adopt the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska.

It is therefore ORDERED that:

1. The Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska is hereby adopted.

2. The Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska is incorporated into this Order by reference as though fully set forth herein.

This Order shall become effective on September 11, 2009.

NORTH PLATTE NATURAL RESOURCES DISTRICT

September 10, 2009

/s/George Hall, Chair

Adoption of this Order was approved by the Board of Directors of the North Platte Natural Resources District at a regular meeting held in Scottsbluff, Nebraska, on the 10th day of September, 2009.

/s/Attest: Arden Wohlers, Secretary

A copy of the basin-wide plan is available for inspection during normal weekday working hours at the office of the NPNRD located at 100547 Airport Road in Scottsbluff, Nebraska. The basin-wide plan is also available on the NPNRD website at www.npnrd.org.