

## NORTH PLATTE NATURAL RESOURCES DISTRICT

### ORDER ADOPTING THE SECOND INCREMENT INTEGRATED MANAGEMENT PLAN, AND ASSOCIATED GROUND WATER CONTROLS, JOINTLY DEVELOPED BY THE NORTH PLATTE NATURAL RESOURCES DISTRICT AND THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES

#### ORDER NUMBER NPNRD-27

This matter came before the North Platte Natural Resources District Board of Directors (Board) on the 8<sup>th</sup> day of August, 2019.

#### THE BOARD FINDS:

1. On July 16, 2004, the Nebraska Department of Natural Resources (Department) provided notice to the North Platte Natural Resources District (District) that the entirety of the District with the exception of the land area within the District's Pumpkin Creek subbasin was fully appropriated.

2. On September 15, 2004, the Department designated a portion of the District as overappropriated.

3. The Department and the District jointly developed an Integrated Management Plan (IMP) for the first increment in accordance with *Neb. Rev. Stat.* §§46-715 – 46-718, 46-720, with an effective date of September 14, 2009. The IMP was subsequently modified by the Department and the District with a new effective date of May 11, 2013.

4. In 2016, in accordance with *Neb. Rev. Stat.* §46-715(5)(d)(iii) and the first increment IMP the Department and the District initiated a technical analysis to determine whether the measures adopted in the first increment IMP were sufficient to offset depletions due to water uses initiated after July 1, 1997, and whether the measures adopted in the first increment IMP have returned the District to a fully appropriated condition.

5. Based on the results of this technical analysis the Department and the District jointly determined that the development of a second 10-year increment IMP was necessary to meet the IMP's goals and objectives and to reduce the overall difference between the current and fully appropriated levels of development.

6. Beginning in 2018, the Department and the District, pursuant to *Neb. Rev. Stat.* §46-715(5)(d)(iv), consulted and collaborated on the development of the second increment IMP with a group of stakeholders. The stakeholder group consisted of statutorily required entities and other entities that were identified by the District and the Department to be included in the group. Through this process of consultation and collaboration the Department and District jointly developed a second increment IMP in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev. Stat.* §§46-715 – 46-718, 46-740.

7. Agreement was not reached by the Stakeholder Group on the contents of the IMP. Consequently, pursuant to *Neb. Rev. Stat.* §46-715 (5)(b), the District and the Department continued to work on the IMP. The District and the Department reached agreement on (1) the proposed goals and objectives of the IMP, (2) the proposed geographic area to be subject to the controls, and (3) the surface water and groundwater controls and incentive programs that are proposed for adoption and implementation. Letters acknowledging the agreement were exchanged between the District and the Department.

8. The Department consulted with the Nebraska Game and Parks Commission (NGPC) in accordance with *Neb. Rev. Stat.* §37-807. As stated in the July 15, 2019, response, NGPC determined that the adoption of the proposed IMP would have no adverse effect on threatened and endangered species or their habitat.

9. On July 18, 2019, pursuant to notices published in accordance with *Neb. Rev. Stat.* §46-743, the District and the Department jointly held a public hearing in Scottsbluff on the proposed IMP.

10. Following the hearing, the Department and the District jointly considered testimony and exhibits provided, and jointly agreed to adopt and implement the proposed second increment IMP with minor revisions. One such modification includes adding dates to the placeholders on page one for the order issued dates by the Department and the District, and the effective date of the IMP. The remaining revisions were non-substantive modifications and did not consist of any modifications to the goals and objectives of the IMP, or the surface water controls and groundwater controls proposed for adoption and implementation of the IMP, and did not include any geographic area that was not identified in the notice of hearing as presented in the draft IMP.

The ground water controls included in the IMP are generally described as follows and are applicable to the fully appropriated and overappropriated areas of the District:

1. **Metering** – Meters are used to measure the amount of groundwater being withdrawn from regulated wells receiving an allocation in order to track water usage.

2. **Allocations** – Allotments of a specified quantity of groundwater are granted for a specific use and are measured and monitored with permanently installed flow meters.

3. **Moratorium** - The District has implemented a moratorium on the issuance of water well construction permits and on new or expanded groundwater uses. The District may grant a variance from the moratorium if there is an offset for any new or expanded use, or if there will be no increase in consumptive use due to the new or expanded use.

4. **Certification of Irrigation Use** - All groundwater irrigation uses have been certified by the District. The District may grant modifications to certified acres.

5. **Large User Permits** - A Large User Permit will be required for a public water supplier, with the exception of municipalities, who desires to modify or expand their consumptive use of water.

6. **Variances** - The District may grant a variance for good cause shown for any of the controls in the IMP or within the District's rules and regulations.

7. **Transfers** - Transfers within the NPNRD are required to transfer the location of a certified groundwater use, the point of groundwater withdrawal from a regulated well, the purpose of a certified groundwater use, to add a new use to an existing certified groundwater use, or any combination thereof. Certain types of groundwater transfers involve coordination communication between the Department and the District when issuing a permit.

8. **Municipal and industrial accounting for calculations of baselines and the determination of allocations** - the District will calculate a baseline consumptive use for each municipality in the District based on historic consumptive use data for the interval August 1, 2001, through July 31, 2006, or if unavailable through those dates, then a 5-year average beginning on the date of flowmeter installation. Annual increases and decreases in consumptive use will be tracked for each municipality through a reporting and database system administered by the District.

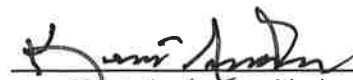
9. **Non-municipal industrial use and accounting** - The District will calculate baseline consumptive use for each non-municipal commercial/industrial user in the District based on historic consumptive use data for the interval of August 1, 2001, through July 31, 2006, or if unavailable through those dates, then a five-year average beginning on the date of flowmeter installation. Annual increases and decreases in consumptive use will be tracked for each non-municipal commercial/industrial use through a reporting and database system administered by the District.

The District may adjust, modify, expand, or add controls, based on the annual reviews of the progress being made toward achieving the goals of the IMP, and pursuant to *Neb. Rev. Stat. §46-715(5)(d)(ii)*.

**IT IS THEREFORE CONCLUDED** after due consideration by the Board, that the North Platte Natural Resources District should adopt that the Second Increment *Integrated Management Plan Jointly Developed by the North Platte Natural Resources District and the Nebraska Department of Natural Resources* and the associated ground water controls included therein.

**IT IS HEREBY ORDERED** that the Second Increment *Integrated Management Plan Jointly Developed by the North Platte Natural Resources District and the Nebraska Department of Natural Resources*, and the ground water controls therein are hereby adopted by the District and will become effective on **September 11, 2019**. The Second Increment *Integrated Management Plan Jointly Developed by the North Platte Natural Resources District and the Nebraska Department of Natural Resources* is incorporated into this Order by reference as if fully set forth herein.

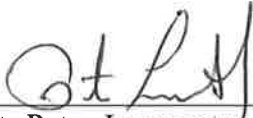
**North Platte Natural Resources District,**



By: Kent Andreas, Chairman of the Board of  
Directors

August 8, 2019

Adoption of this Order was approved by the Board of Directors of the North Platte Natural Resources District at a regularly scheduled meeting held in Scottsbluff, Nebraska on the 8<sup>th</sup> day of August, 2019.



Attest: Peter Lapascotes, Jr., Secretary of the  
Board of Directors

A copy of this Order and the IMP are available for inspection at the District office, 100547 Airport Road, Scottsbluff, Nebraska, during the District's normal business hours. Copies are also available on the District's website, [www.npnrd.org](http://www.npnrd.org).

A copy of this Order was sent via regular U.S. Mail on the 8<sup>th</sup> day of August, 2019 to the following:

Gordon W. Fassett, Director  
Nebraska Department of Natural Resources  
301 Centennial Mall South  
P.O. Box 94676  
Lincoln, NE 68509