

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER ADOPTING THE BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER RESOURCES  
MANAGEMENT OF OVERAPPROPRIATED PORTIONS OF THE PLATTE RIVER BASIN, NEBRASKA

Background

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 North Platte Natural Resources District (NPNRD), South Platte Natural Resources District (SPNRD), Twin Platte Natural Resources District (TPNRD), Central Platte Natural Resources District (CPNRD), and the Tri-Basin Natural Resources District (TBNRD) were designated as overappropriated.
2. The Department and the Platte Basin Natural Resources Districts, or Platte Basin NRDs (NPND, SPNRD, TPNRD, CPNRD and TBNRD), consulted and collaborated on the development of the Basin-Wide Plan with a group of stakeholders pursuant to Neb. Rev. Stat. § 46-715(4)(b). The Stakeholder Group consisted of the statutorily required entities, including irrigation districts, public power and irrigation districts, municipalities, and other entities that were identified by the Platte Basin NRDs and the Department for inclusion in the group.
3. The Stakeholder Group held meetings beginning in 2005 with the final meeting held on 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. Agreement was not reached by the Stakeholder Group on the contents of the Basin-Wide Plan. Consequently, the Platte Basin NRDs and the Department continued to work on the Basin-Wide Plan. Agreement between the Platte Basin NRDs and the Department was reached on the proposed goals, objectives, and other components of the Basin-Wide Plan pursuant to Neb. Rev. Stat. § 46-715(4)(b). Letters acknowledging the agreement were exchanged between the Platte Basin NRDs and the Department. No groundwater or surface water controls are contained in the proposed Basin-Wide Plan.
5. The Department and each of the Platte Basin NRD held joint public hearings on the proposed Basin-Wide Plan on June 16 and 17, 2009, and July 2, 7, 8 and 14, 2009, pursuant to Neb. Rev. Stat. §§ 46-715(4)(a) and 46-743. Notice of each joint hearing was published in a newspaper of general circulation in each Platte Basin NRD. Copies of the proposed Basin-Wide Plan were made available at each Platte Basin NRD office, at the Department office in Lincoln, Nebraska, on each Platte Basin NRD website, and on the Department website, [www.dnr.ne.gov](http://www.dnr.ne.gov).
6. 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 August 7, 2009, the Commission determined that the adoption of the proposed Basin-Wide Plan would have no adverse effect on threatened and endangered species.

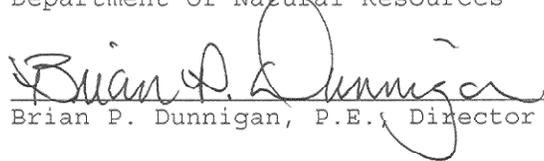
7. The testimony and exhibits received at each of the joint public hearings were discussed and considered in consultation with the appropriate Platte Basin NRD.
8. The respective Boards of Directors of each Platte Basin NRD approved a motion to implement the proposed Basin-Wide Plan and notified the Department of their decision. The Department responded with a letter agreeing with each Platte Basin NRDs proposal to implement the proposed Basin-Wide Plan.

Order

It is therefore ORDERED that the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska is hereby adopted by the Department and will become effective on September 11, 2009.

Department of Natural Resources

September 11, 2009

  
Brian P. Dunnigan, P.E., Director

On September 11, 2009, a copy of this Order was posted on the Department's website, [www.dnr.ne.gov](http://www.dnr.ne.gov).