

**Middle Republican NRD
GROUND WATER
MANAGEMENT AREA
And
INTEGRATED
MANAGEMENT PLAN**

**ORDER
November 9, 2004

Effective
January 1, 2005**

FINDINGS OF FACT

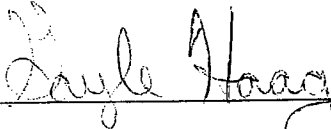
1. Chapter 46, Reissue Revised Statutes of Nebraska, Article 7, the Ground Water Management and Protection Act, provides the authority for the designation of a Ground Water Management Area and the adoption of rules and regulations to administer that area. It also provides for the amendment of existing rules.
2. The Ground Water Management and Protection Act also now provides the authority for the joint adoption, by a natural resources district and the Nebraska Department of Natural Resources, of an Integrated Management Plan in a fully appropriated river basin, sub basin or reach.
3. On August 12th, 2003, the Middle Republican Natural Resources District (MRNRD) adopted Order Number 22403, the purpose of which was to indicate the district's intent to proceed with development of a Joint Action Plan pursuant to NRRS previous section 46-656.28.
4. On July 16, 2004, pursuant to sections NRRS sections 46-714 and 46-720, the Department of Natural Resources (DNR) provided notice of determination that the MRNRD, in its entirety, is fully appropriated.
5. Pursuant to NRRS sections 46-715 and 46-720, the MRNRD and DNR proceeded thereafter to jointly develop an integrated management plan (the "Plan") rather than a joint action plan.
6. The consultations required by NRRS section 46-717(2) were conducted by MRNRD and DNR as follows:
 - (a) the irrigation districts in the MRNRD were consulted through their membership in the Nebraska Republican River Management Districts Association;
 - (b) there are no reclamation districts, public power and irrigation districts, mutual irrigation companies, or canal companies in the MRNRD with which to consult;
 - (c) municipalities and surface water appropriators that rely on water from within the district were consulted by informing them, through United States mail, of various ways for them to consult with the MRNRD and/or the DNR prior to completion of the Plan for the MRNRD;
 - (d) the MRNRD and the DNR did not deem it appropriate to initiate consultation with other water users or stakeholders during preparation of the Plan.

7. The MRNRD also held 5 informational meetings in June of 2004 to solicit public comments on the need, framework and content of rules relating to use of ground water within the MRNRD.
8. On October 12, 2004 and in accordance with NRRS section 46-717(1), the MRNRD adopted rules and regulations specifying the types of scientific data and other information to be considered in developing the Plan, which rules and regulations are similar to the rules and regulations adopted by the DNR.
9. In accordance with NRRS section 46-718, the DNR and the MRNRD agreed on: (a) goals and objectives of the Plan; (b) the geographic area to be subject to controls; (c) the surface water controls, ground water controls and incentive programs that are proposed for adoption and implementation in the Plan for the MRNRD. The DNR and MRNRD determined that adoption of the Plan should be considered in accordance with NRRS section 46-718.
10. Notice of an October 6, 2004 Public Hearing on the proposed Plan was published in accordance with NRRS sections 46-718 and 46-743 in the following newspapers in the MRNRD:
 - (a) North Platte Telegraph
 - (b) McCook Gazetteand such notice was provided as a courtesy to weekly papers and local radio stations.
11. Notice of the Public Hearing and a full copy of the proposed rules and regulations was posted on the District website at www.mrnrd.org. Copies of the proposed rules and regulations were also made available from the Middle Republican NRD office in Curtis, Nebraska at the time of publication of the newspaper notices.
12. By letter dated September 15, 2004, notice of the public hearing was sent to the Nebraska Department of Natural Resources.
13. By letter dated September 15, 2004, notice of the public hearing was provided to Central Nebraska Public Power and Irrigation District, as a holder of an incidental or intentional underground water storage permit in portions of the MRNRD.
14. A public hearing was held in accordance with NRRS sections 46-718 and 46-743 on October 6th, 2004 as advertised. All parties present were given the opportunity to testify.
15. Persons wishing to provide written testimony were given until 5 P.M. on October 12th, 2004 to present that testimony. Copies of written testimony were provided to the Board of Directors and to DNR for their consideration.
16. The Board considered all testimony and, in open session, at its regular board meeting on October 12th, 2004 approved a modification to the published rules. That modification did not substantially change the rules as made available prior to the hearing.
17. The board considered all testimony presented at the public hearing or in writing on or before 5 P.M., October 12, 2004.

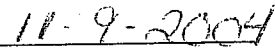
Middle Republican Natural Resources District

BY VIRTUE OF THE AUTHORITY VESTED IN THE MIDDLE REPUBLICAN NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS BY REISSUE REVISED STATUTES OF NEBRASKA, SECTIONS 46-701 TO 46-753, IT IS HEREBY ORDERED:

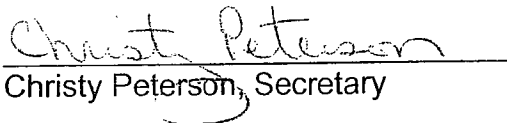
1. The Plan, attached hereto as Attachment 1 is hereby adopted and the ground water related controls included within the Plan shall be implemented by the MRNRD in accordance with NRRS section 46-739 and applicable law.
2. A sub area of the management area designated on July 1, 1998 is hereby designated for purposes of implementing the Plan. The geographic and stratigraphic boundaries of the sub area coincide with the existing geographic and stratigraphic boundaries of the existing management area designated on July 1, 1998 (such sub area for integrated management will be referred to as a "management area"). The geographic boundary of the management area is the boundary of the Middle Republican Natural Resources District. The stratigraphic boundary of the management area is from the land surface to the base of the underlying sand and gravel layers that contain the water bearing material. The base of the sand and gravel layers rest on impervious layers of Niobrara Chalk, Pierre Shale or formations from the White River Group.
3. The rules and regulations of the GROUND WATER MANAGEMENT AREA, EFFECTIVE July 1, 1998 are hereby replaced with the rules in Attachment 1.
4. This order and the Plan, including the ground water related controls contained therein, shall become effective January 1, 2005.



Gayle Haag, Chairman



Date



Christy Peterson, Secretary