

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

March 1, 2005

IN REPLY REFER TO:

Mike Johanns
Governor

FOR FACSIMILE DELIVERY: (308) 882-4367

Annette Longan, Mayor
City of Imperial
P.O. Box 637
Imperial Nebraska 69033

Dear Mayor Longan:

We have received your February 4, 2005, letter expressing your concern with the process of the development of the Upper Republican Natural Resources District (URNRD)/Department of Natural Resources (DNR) Integrated Management Plan. This letter is being sent in response to your concern.

As you are aware, the entirety of the Republican River Basin (Basin) is subject to the requirements of the Republican River Compact (Compact). Prior to the State of Kansas filing a lawsuit against the State of Nebraska regarding Compact compliance, the Basin Natural Resource Districts (Basin NRDs) and the Basin Irrigation Districts formed the Republican River Districts Management Association (Association) to address ground water and surface water management within the Basin as it pertains to the Compact. Also prior to the lawsuit, the Governor convened the Republican River Governor's Council (Council) comprised of citizens throughout the Basin representing a variety of interests. The Council served in an advisory role both before and during the litigation and was dissolved after the lawsuit was settled. Subsequent to the settlement, more than half of the members of the Council became a part of the Association as advisory members. The Council represented an unprecedented level of public involvement in water management within the State of Nebraska. Public involvement is paramount to the effort of water management within the Basin and to this end, the Association, which has been in existence for approximately ten years, continues to conduct regular public meetings, notice of which is published in local newspapers throughout the Basin.

Prior to, during, and after the litigation and settlement, the Basin NRDs were involved in the then-current statutory process which dealt with integrated management of ground water and surface water, pursuant to Neb. Rev. Stat. § 46-656.28. Under this process, the Basin NRDs requested the DNR to make a preliminary determination of whether there was reason to believe that the use of hydrologically connected ground water and surface water was contributing to conflicts or disputes with, among other things, interstate compacts, and to conduct a study to determine the cause and extent of the conflict/dispute. The DNR issued a report dated May 20, 2003, in which it made the preliminary determination that there was reason to believe the use of hydrologically connected water was contributing to conflicts/disputes. A number of public meetings and public hearings were held throughout the Basin on the preliminary determination and associated study. At the conclusion of the hearings, on July 21, 2003, the DNR made final the preliminary findings and conclusions of the report previously issued by the DNR.

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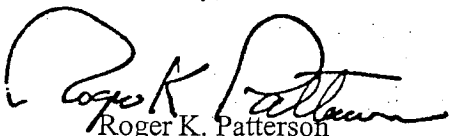
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This process, pursuant to prior law, spanned approximately ten years, during which there were numerous public information meetings, public hearings, NRD board meetings, Irrigation District board meetings, and other opportunities for the members of the public to voice their concerns regarding the future management of the Basin and the development of the management plan to manage the water resources within the Basin.

With the passage of LB 962 on July 16, 2004, the URNRD became fully appropriated due to where it was in relation to the previous integrated management planning process. Nebraska Statute §46-720 governed the transition between this previous process and the current statutory requirements for integrated management. On July 16, 2004, the URNRD was in the development stage of the integrated management plan and was therefore now subject to the requirements of Nebraska Statutes §§ 46-713 to 46-719. Section 46-717(2) requires that during the development of the integrated management plan for an area that has been determined to be fully appropriated, the DNR and the NRD are to consult with any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, municipality relying on water from the affected area and other water users and stakeholders as deemed appropriate by the DNR or the NRD. The Nebraska Statute referenced in your February 4, 2005, letter, §46-715(4)(b), is only applicable to the integrated management planning process for areas designated as overappropriated. The URNRD was not designated as overappropriated so that section is not applicable. Building on the more than ten years of continuing participation from interested parties within the Basin on the management of ground water and surface water for Compact compliance, is the requirement that any rules to be adopted by the URNRD and the DNR be subject to a public hearing prior to adoption. It is, therefore, apparent that consultation has been and will be occurring, and is invited.

In order to provide further opportunity for interested party and public input, a meeting will be held on March 1, 2005, at 5:00 p.m., at the Imperial Community Center in Imperial. If you would like to discuss your concerns over the Integrated Management Plan with the URNRD and/or the DNR, and otherwise consult with the URNRD and the DNR concerning the Integrated Management Plan, you can contact the DNR at (402) 471-2363 and/or the URNRD at (308) 882-5173. A public hearing will be held at 7:30 p.m., March 3, 2005, at the Imperial Community Center in Imperial to take testimony on the Integrated Management Plan.

Sincerely,


Roger K. Patterson
Director

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cc: Upper Republican Natural Resources District
League of Nebraska Municipalities