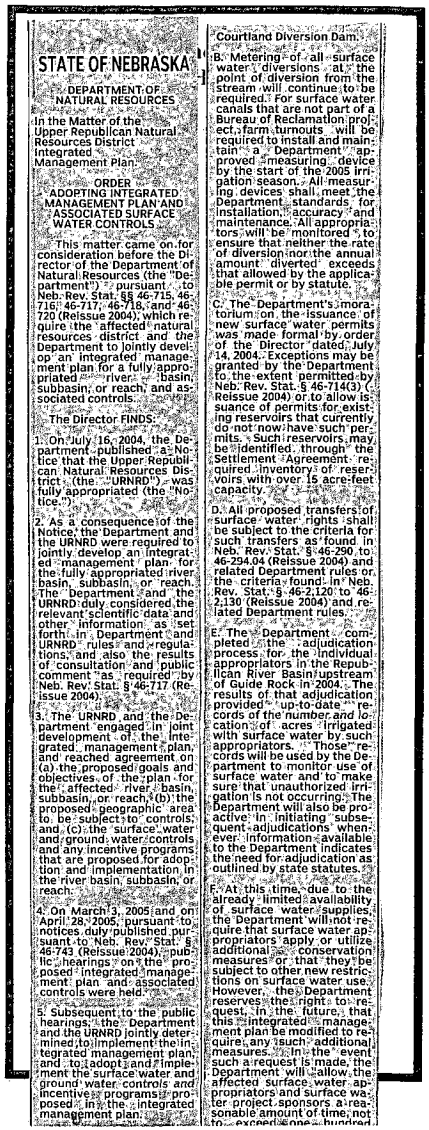

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Upper Republican Natural Resources District Integrated Management Plan.

ORDER ADOPTING INTEGRATED MANAGEMENT PLAN AND ASSOCIATED SURFACE WATER CONTROLS

This matter came on for consideration before the Director of the Department of Natural Resources (the "Department") pursuant to Neb. Rev. Stat. §§ 46-715, 46-716, 46-717, 46-718, and 46-720 (Reissue 2004), which require the affected natural resources district and the Department to jointly develop an integrated management plan for a fully appropriated river basin, subbasin, or reach, and associated controls.

The Director FINDS:

1. On July 16, 2004, the Department published a Notice that the Upper Republican Natural Resources District (the "URNRD") was fully appropriated (the "Notice").

2. As a consequence of the Notice, the Department and the URNRD were required to jointly develop an integrated management plan for the fully appropriated river basin, subbasin, or reach. The Department and the URNRD duly considered the relevant scientific data and other information as set forth in Department and URNRD rules and regulations, and also the results of consultation and public comment as required by Neb. Rev. Stat. § 46-717 (Reissue 2004).

3. The URNRD and the Department engaged in joint development of the integrated management plan and reached agreement on (a) the proposed goals and objectives of the plan for the affected river basin, subbasin, or reach, (b) the proposed geographic area to be subject to controls, and (c) the surface water and ground water controls and any incentive programs that are proposed for adoption and implementation in the river basin, subbasin, or reach.

4. On March 3, 2005 and on April 28, 2005, pursuant to notices duly published pursuant to Neb. Rev. Stat. § 46-743 (Reissue 2004), public hearings on the proposed integrated management plan and associated controls were held.

5. Subsequent to the public hearings, the Department and the URNRD jointly determined to implement the integrated management plan, and to adopt and implement the surface water and ground water controls and incentive programs proposed in the integrated management plan:

Courtland Diversion Dam.

B. Metering of all surface water diversions at the point of diversion from the stream will continue to be required. For surface water canals that are not part of a Bureau of Reclamation project, farm turnouts will be required to install and maintain a Department approved measuring device by the start of the 2005 irrigation season. All measuring devices shall meet the Department standards for installation, accuracy and maintenance. All appropriators will be monitored to ensure that neither the rate of diversion nor the annual amount diverted exceeds that allowed by the applicable permit or by statute.

C. The Department's moratorium on the issuance of new surface water permits was made formal by order of the Director dated July 14, 2004. Exceptions may be granted by the Department to the extent permitted by Neb. Rev. Stat. § 46-714(3) (Reissue 2004) or to allow issuance of permits for existing reservoirs that currently do not now have such permits. Such reservoirs may be identified through the Settlement Agreement required inventory of reservoirs with over 15 acre-feet capacity.

D. All proposed transfers of surface water rights shall be subject to the criteria for such transfers as found in Neb. Rev. Stat. § 46-290, to 46-294.04 (Reissue 2004) and related Department rules or, the criteria found in Neb. Rev. Stat. § 46-2,120 to 46-2,130 (Reissue 2004) and related Department rules.

E. The Department completed the adjudication process for the individual appropriators in the Republican River Basin upstream of Guide Rock in 2004. The results of that adjudication provided up-to-date records of the number and location of acres irrigated with surface water by such appropriators. Those records will be used by the Department to monitor use of surface water and to make sure that unauthorized irrigation is not occurring. The Department will also be proactive in initiating subsequent adjudications whenever information available to the Department indicates the need for adjudication as outlined by state statutes.

F. At this time due to the already limited availability of surface water supplies, the Department will not require that surface water appropriators apply or utilize additional conservation measures or that they be subject to other new restrictions on surface water use. However, the Department reserves the right to request, in the future, that this integrated management plan be modified to require any such additional measures. In the event such a request is made, the Department will allow the affected surface water appropriators and surface water project sponsors a reasonable amount of time, not to exceed one hundred

PROOF OF PUBLICATION

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

Trawn Griffin, being duly sworn, deposes and says that he is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 12, 19, 26 day of May A. D., 20 05., and that said newspaper is a legal newspaper under the statues of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 192,600 daily 242,964 Sunday, in 20 05..

(Signed) Trawn Griffin Title: Advertising

Subscribed in my presence and sworn to before me this 26 day of May 2005

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Debra L. Marco
Notary Public

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MY COMMISSION EXPIRES
September 13, 2007

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