

Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Ann Bleed
Acting Director

September 1, 2006

IN REPLY TO:

Brad Lundeen, President
Tri-Basin Natural Resources District
524 "D" Road
Wilcox, NE 68982

Roger D. Olson, President
Central Nebraska Public Power and Irrigation District
11769 - 732 Road
Holdrege, NE 68949

Dear Brad and Roger,

As promised the Department of Natural Resources (DNR) is writing this letter to describe what we believe are the necessary elements and items that need to be included in an integrated management plan for the Tri-Basin Natural Resources District (TBNRD) area. You all well know that within the TBNRD is the so-called ground-water mound. As I stated at the TBNRD special board meeting, the DNR believes that the development of an integrated management plan for the area within the TBNRD presents an opportunity for developing a plan for the conjunctive management of the surface water and ground water in the area that will enable maximum sustained use of one of the most valuable water resources in the state. Thus, it is our hope that the integrated management plan that we develop will be more than the bare minimum required by the law. We would like to see a progressive plan that will make the best possible use of the water resources in the area for today and for future generations. With that said, the following are some of the basic requirements that by law must be included in a joint integrated management plan.

Section 46-715 of the Nebraska Statutes states that whenever the DNR has designated a river basin, subbasin, or reach as fully or overappropriated, the DNR and the natural resources district shall jointly develop an integrated management plan. For the overappropriated area, this plan must be consistent with any basin-wide plan and shall be developed after consultation and collaboration with other entities, including irrigation and public power districts and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to participate in the process. During the negotiations on this section of the law, there was much discussion over whether to use the word consultation, as opposed to the word collaboration. To consult is merely to ask for advice or an opinion. To collaborate is to work jointly with others. The word collaboration was chosen. In your area the water resources managed by the TBNRD and the Central Nebraska Public Power and Irrigation District (CNPPID) are extremely closely linked.

bleed/2006

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DNR 005810


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The actions of one board has major impacts on the other. For this reason the DNR believes it is imperative for both the TBNRD and the CNPPID to work closely together with the DNR to develop an integrated management plan for the area. Furthermore, in our opinion it would be very risky for the TBNRD and DNR to commit to maintaining a certain ground water level within the TBNRD area without also having appropriate agreements in the plan to indicate that the CNPPID will operate their canal in a manner that will allow the TBNRD and DNR to fulfill our commitments.

Section 46-715 of the statutes also states what must be included in an integrated management plan. These requirements are somewhat different than the requirements for a ground water management plan. The statutes state that the plan itself must include one or more of the ground water controls authorized for adoption by natural resources districts in Section 46-739 of the statutes and one or more of the surface water controls authorized for adoption by the DNR under Section 46-716. In addition, the ground water and surface water controls proposed for adoption in the integrated management plan shall, when considered together with any applicable incentive programs, (a) be consistent with the goals and objectives of the plan, (b) be sufficient to ensure that the state will remain in compliance with applicable state and federal laws and with any applicable interstate water compact or decree or other formal state contract or agreement pertaining to surface water or ground water use or supplies and (c) protect ground water users whose water wells are dependent on recharge from the river or stream involved and the surface water appropriators on such river or stream from streamflow depletion caused by surface water uses and ground water uses begun after the date the river basin was designated as overappropriated or was preliminarily determined to be fully appropriated. In the fully appropriated area, Section 46-715 of the statutes also states that nothing in the integrated management plan shall require a natural resources district to regulate ground water uses in place at the time of DNR's preliminary determination that the river basin, subbasin or reach is fully appropriated, but a natural resources district may voluntarily adopt such regulation.

We hope this helps answer some of the questions you had. We look forward to working with you and the other stakeholders in the area on the joint development of an integrated management plan for the TBNRD.

Sincerely,


Ann Bleed *pda*
Acting Director

cc: John Thorburn
Don Kraus
Pam Andersen
Tina Kurtz