

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

August 5, 2004

IN REPLY REFER TO:

Mike Johanns
Governor

Bradley Lundeen, Chair
Tri-Basin Natural Resources District
1308 Second Street
Holdrege, NE 68949

Dear Mr. Lundeen:

This letter is in reference to the motion adopted by your board on July 13, 2004, related to the proposed joint action management plan for the Republican River Basin portion of the Tri-Basin NRD in accordance with Section 46-656.28, R.S., Supp., 2000, as amended, in effect prior to July 16, 2004. The Department agrees to accept this motion as stated in your letter of July 14, 2004: "The key objective of the Plan is to maintain, at sufficient levels to offset depletions to the Republican River caused by ground water pumping within the Tri Basin NRD, the Republican River Compact credit that Nebraska receives because of discharges from the "ground water mound" to the surface water supplies in the Republican River Basin. To achieve this objective, the Tri Basin NRD will utilize the ground water management authorities available to it to maintain the water levels in its portion of that "ground water mound" at or above the average water levels for the years 1981 through 1985."

In accordance with the provisions of Nebraska Statute 47-720 (LB 962, Section 60), which went into effect on July 16, 2004, this joint action management plan will need to be reviewed by the TBNRD and the Department for compliance with the requirements of an integrated management plan under the new law. Once this review has taken place and the DNR and the TBNRD have agreed on the new management plan, the TBNRD will need to work with the Department to develop rules and regulations necessary for the implementation of the integrated management plan.

Since the TBNRD did not have a temporary suspension in effect on July 16 and because we have both reached the conclusion that preparation of a joint action plan under previous law was completed before July 16, no stays on the development of ground water wells or on new irrigated acres were imposed as a result of the operative date of LB962. Except to the extent that the Department includes portions of the Republican River Basin in the hydrologically connected area for the soon to be declared overappropriated portion of the Platte River Basin or until the board decides itself to institute restrictions on the expansion of irrigated acres and/or the construction of new wells through their existing ground water management area regulations, no limitations

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will be put in place until the adoption of the completed integrated management plan and associated rules and regulations.

We look forward to continuing the integrated management planning and implementation process with your staff and board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger K. Patterson".

Roger K. Patterson
Director

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