

Dave Heineman
Governor

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

November 7, 2005

IN REPLY TO:

VIA Facsimile: (308) 995-6992

Mr. Bradley Lundeen, Chairman
Tri-Basin Natural Resources District
1308 Second St.
Holdrege, NE 68949

RE: --Official Testimony for November 8, 2005 Hearing

Dear Mr. Lundeen:

This letter is submitted as the official testimony of the Department of Natural Resources ("Department") for inclusion in the record of the Tri-Basin Natural Resources District's hearing on the District's proposed revisions to its ground water management rules.

In general, we noted that a few of the references to Nebraska statutes are no longer correct following LB 962. For example, the proposed rules cite to § 46-656.29 in Section 1.35.1. You may wish to review your rules to update the statutory references.

Section 1 Proposal:

It is not entirely clear to us how the proposed rule has been revised to include commingled water transfer permits.

Under the definition of "Permit," do you intend that all authorizations will be conditioned? That is how the proposal is worded.

The proposal in Section 1.25 cites incorrectly to 46-715(2). The citation should be to 46-715(1). The final sentence in that provision does not accurately reflect the requirements of the law. We would suggest that it be reworded to state as follows:

The goals and objectives of such a plan, as well as the plan itself, will be jointly developed and agreed upon by Tri-Basin Natural Resources District and the Nebraska Department of Natural Resources, after consultation and collaboration with any entities statutorily entitled to consultation and collaboration, as well as affected stakeholders.

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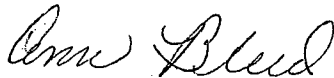
(New wording is underlined).

Section 8 proposed revisions to provide for initiation of Phase II designation at an earlier point in ground water decline, and to reduce the time between designation of Phase II and subsequent Phase III designations by 2 years are positive steps towards addressing ground water quantity concerns.

The proposed revisions to Section 10 provide further clarifications that should assist the NRD in its efforts to certify irrigated acres.

We look forward to continuing to work with the Tri-Basin Natural Resources District on the development of an integrated management plan.

Sincerely,



Ann Bleed
Acting Director

cc: David Miesbach, NDEQ
Tom Hayden