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**Lower Republican Natural Resources District
GROUND WATER
MANAGEMENT AREA
And
INTEGRATED
MANAGEMENT PLAN**

**ORDER
January 24, 2008**

**Effective
February 29th, 2008**

FINDINGS OF FACT

1. On May 20, 2003, the Nebraska Department of Natural Resources ("DNR") issued a report entitled "Republican River Basin – Report of Preliminary Findings." In that Report the Director of the DNR issued his preliminary conclusion that the use of hydrologically connected ground water and surface water resources was contributing to disputes over the Republican River Compact and would contribute to future disputes over that compact.
2. On July 21, 2003, the Director of the DNR notified the Lower Republican Natural Resources District ("LRNRD" or "District") that his conclusions as described above were final and stated that, in his opinion, it was appropriate for the DNR and the LRNRD to proceed with the joint planning process authorized by Neb.Rev.Stat. § 46-656.28.
3. On September 11, 2003, the LRNRD adopted Order Number 01, confirming its intent to proceed with development of a Joint Action Plan pursuant to Neb.Rev.Stat. § 46-656.28.
4. On July 16, 2004, Chapter 46, Reissue Revised Statutes of Nebraska, Article 7, the Ground Water Management and Protection Act, became effective, thereby providing the authority for the designation of a Ground Water Management Area and for the adoption and, as necessary, the amendment of any related rules and regulations.
5. The Ground Water Management and Protection Act describes the integrated management planning process for any river basin, sub basin, or reach that has been designated as "fully appropriated" pursuant to Neb.Rev.Stat. § 46-713(3).
6. On July 16, 2004, and pursuant to Neb.Rev.Stat. §§ 46-714 and 46-720, the DNR notified the LRNRD of its final determination that the LRNRD is fully appropriated in its entirety.
7. Pursuant to Neb.Rev.Stat. §§ 46-715 through 46-718 and 46-720, the LRNRD and DNR thereafter proceeded to jointly develop an integrated management plan rather than a joint action plan.
8. On May 19, 2005, and in accordance with Neb.Rev.Stat. § 46-718, the DNR and the LRNRD jointly adopted an Integrated Management Plan, which Plan became effective on June 24, 2005 (referred to below as the "2005 IMP"). The controls that were adopted by the LRNRD were described in detail in the "Lower Republican Natural Resources District Ground Water Management Rules and Regulations" (2005 Rules and Regulations), which were adopted by reference by the 2005 IMP. The LRNRD has since implemented the ground water related controls identified in the 2005 Rules and Regulations and 2005 IMP.
9. Pursuant to the 2005 Rules and Regulations and the 2005 IMP, the geographic boundary of the ground water management area for integrated management is the boundary of the LRNRD. The stratigraphic boundary of the ground water management area for integrated management is from the land surface to the

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base of the underlying sand and gravel layers that contain the water bearing material. The base of the sand and gravel layers rest on impervious layers of Niobrara Chalk, Pierre Shale or formations from the White River Group.

10. The LRNRD Rules and Regulations have been amended one time since they were first adopted: July 20, 2006 (effective August 20, 2006).
11. Beginning in the fall of 2007 the DNR and LRNRD began discussions regarding the need to further amend the 2005 Rules and Regulations and 2005 IMP for the purpose of, among other things, revising the allocation for ground water irrigators; adopting an allocation for municipal, commercial, and industrial ground water users; conforming to any post-2005 Legislative changes; and addressing Republican River Compact compliance. Those discussions were held during properly advertised public meetings, at which time the public was given many opportunities to participate.
12. In accordance with Neb.Rev.Stat. § 46-718, the DNR and the LRNRD have reached agreement on the amended IMP (referred to below as the 2008 IMP). The 2008 IMP includes the following (as itemized in Neb.Rev.Stat. § 46-715(2)):
 - (a) the goals and objectives for the IMP;
 - (b) a map clearly delineating the geographic area subject to controls identified in the IMP;
 - (c) the ground water controls to be implemented within the boundaries of the LRNRD;
 - (d) the surface water controls to be implemented within the boundaries of the LRNRD;
 - (e) a plan to gather and evaluate data, information and methodologies for implementing the Ground Water Management and Protection Act; and
 - (f) the incentive programs to be implemented within the boundaries of the LRNRD.The controls that were adopted by the LRNRD are described in detail in the amended "Lower Republican Natural Resources District Ground Water Management Rules and Regulations" (2008 Rules and Regulations), which were adopted by reference through the 2008 IMP.
13. The DNR and LRNRD have agreed that 2008 Rules and Regulations and 2008 IMP should now be considered in accordance with the procedure set forth in Neb.Rev.Stat. § 46-718.
14. The LRNRD scheduled a Public Hearing as required by Neb.Rev.Stat. § 46-718 to take place on January 17, 2008 at 2:00 p.m.
15. Notice of the January 17, 2008 Public Hearing on the proposed 2008 IMP (and related 2008 Rules and Regulations) was published in accordance with Neb.Rev.Stat. §§ 46-718 and 46-743 in the following newspapers in the LRNRD:
 - (a) Arapahoe Public Mirror
 - (b) Cambridge Clarion
 - (c) Oxford Standard
 - (d) Times Tribune
 - (e) Franklin County Chronicle
 - (f) Harlan County Journal
 - (g) Red Cloud Chief
 - (h) Superior Express
16. Copies of the proposed 2008 IMP and 2008 Rules and Regulations were also made available from the LRNRD office in Alma, Nebraska, and at the County Natural Resources Conservation Service Offices in Beaver City, Alma, Franklin, Red Cloud, and Nelson, Nebraska at the time of publication of the newspaper notices.

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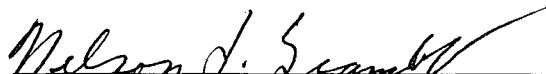
17. A public hearing was held in accordance with Neb.Rev.Stat. § 46-718 and 46-743 on January 17, 2008 as advertised. All parties present were given the opportunity to testify.
18. Persons wishing to provide written testimony were given until 5 P.M. on January 16, 2008, to present that testimony. Copies of written testimony were provided to the Board of Directors of the District and to DNR for their consideration.
19. The Board of the District considered all written and oral testimony submitted and, in open session, at the January 24, 2008 Board Meeting, adopted the 2008 IMP and 2008 Rules and Regulations.


DECISION, ACTION AND ORDER

BY VIRTUE OF THE AUTHORITY VESTED IN THE LOWER REPUBLICAN NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS BY NEBRASKA REVISED STATUES, SECTIONS 46-701 TO 46-753, IT IS HEREBY ORDERED:

1. The Lower Republican Natural Resources District Ground Water Management Rules and Regulations, as amended, and the Integrated Management Plan, as amended, attached hereto as Attachment 1, are hereby adopted and the ground water related controls identified shall be implemented by the LRNRD in accordance with Neb.Rev.Stat. § 46-739 and applicable law.
2. The LRNRD has already designated a ground water management area for integrated management. The geographic boundary of the ground water management area for integrated management is the boundary of the Lower Republican Natural Resources District. The stratigraphic boundary of the ground water management area for integrated management is from the land surface to the base of the underlying sand and gravel layers that contain the water bearing material. The base of the sand and gravel layers rest on impervious layers of Niobrara Chalk, Pierre Shale or formations from the White River Group.
3. This Order, the 2008 Ground Water Management Rules and Regulations, and the 2008 Integrated Management Plan, including the ground water related controls contained therein, shall become effective on February 29, 2008.

It is hereby ORDERED this 24th day of January, 2008 at a regular meeting of the LRNRD in Alma, Nebraska.


Nelson Trambly, Chairman


Brad Wulf, Secretary