

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

July 13, 2004

IN REPLY REFER TO:

Mike Johanns
Governor

Bradley Lundeen, Chair
Tri-Basin NRD
1308 Second Street
Holdrege, NE 68949

Dear Mr. Lundeen:

We have completed our review of the modifications to the quantity portion of the Tri-Basin Natural Resources District (TBNRD) Ground Water Management Plan. The Department commends the Tri-Basin Natural Resources District in its efforts to manage the quantity of the ground water resources throughout the district.

At this time we are unable to approve the amendments to the quantity portion of your ground water management plan as submitted. Our primary concern with the plan is the Phase II management trigger and controls. The proposed Phase II management scheme would not take effect until there is already a 10% decline in saturated thickness below the 1981-85 reference levels. We also question whether the proposed controls bring the ground water levels back up to the 1981-85 minimum levels in a timely manner. Allocation of water would not begin until the area has been in Phase II management for five years. This means that an area could conceivably have five years of ground water levels below the 1981-85 reference levels before the more stringent controls would be put in place.

As you know, we have had a number of meetings with the Republican River Basin NRDs concerning compact compliance. As part of the TBNRD's commitment for compact compliance, the district has agreed to maintain, at sufficient levels to offset depletions to the Republican River caused by ground water pumping within the TBNRD, 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 district will have to 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 1981-85. The current proposals for ground water quantity management do not appear to achieve this commitment.

Additionally, the controls proposed for higher phases of management do not provide for future flexibility. If the district was to place an area into a higher phase of management and would like

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to utilize controls other than those specified in the plan, the plan could then possibly be in conflict with the rules. We believe that the District should keep the plan as flexible as possible to allow for future changes to the rules without the modification of the ground water management plan.

It is our understanding that the district is intending to work with Central Nebraska Public Power and Irrigation District (CNPPID) in the continuing development of a quantity ground water management plan. We encourage this relationship and believe that the plan will benefit from the added input of not only the public but from the Department and CNPPID as well.

The Department earlier provided more detailed informal comments to your staff.

Reviews have also been completed by four other state agencies. The review letter from the Department of Environmental Quality was sent to the district at an earlier date. Copies of the review letters from the Game and Parks Commission, the Conservation and Survey Division and Health and Human Services are enclosed. In future revisions, the District is urged to consider the comments of all the agencies.

We welcome the opportunity to discuss these and other related issues with your board.

Sincerely,



Roger K. Patterson
Director

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Enclosures

cc: Marty Link, DEQ
Frank Albrecht, GPC
Mike Jess, CSD
Howard Isaacs, HHS
John Thorburn, Manager TBNRD
Brad Edgerton
Tom Hayden