

## LITTLE BLUE NATURAL RESOURCES DISTRICT

### ORDER ADOPTING THE LITTLE BLUE NATURAL RESOURCES DISTRICT VOLUNTARY INTEGRATED MANAGEMENT PLAN AND ASSOCIATED GROUNDWATER CONTROLS

#### BACKGROUND

1. On July 30, 2015, the Little Blue Natural Resources District (District) submitted a letter of intent to the Nebraska Department of Natural Resources (Department) to develop a voluntary Integrated Management Plan (IMP). On August 20, 2015, the Department submitted a letter to the District, agreeing with the intent to jointly develop a voluntary IMP with the District.
2. The District and Department consulted with a Stakeholder Advisory Committee (Committee) on the development of the voluntary IMP. The Committee consisted of the statutorily required members and additional members with an interest in serving on the Committee. Through this process of consultation, the District and the Department jointly developed a voluntary IMP in accordance with the Ground Water Management and Protection Act (the Act), particularly, *Neb. Rev. Stat.* §§ 46-715, 46-716, 46-717, and 46-718.
3. The District and the Department considered whether the voluntary IMP would affect the State's ability to comply with the Big Blue River Compact (Compact) with Kansas and the Platte River Recovery Implementation Program (PRRIP). The Department concluded that the voluntary IMP, its goals, objectives, and groundwater and surface water controls are sufficient to ensure the State's compliance under the Compact and PRRIP.
4. On May 14, 2019, the District and Department reached agreement on the voluntary IMP, including (a) the proposed goals and objectives, (b) the proposed geographic areas, and (c) the proposed surface water and groundwater controls. The voluntary IMP has two geographic areas that are subject to the control(s) for that area as specified in the voluntary IMP:
  - a. The General Voluntary IMP Area that encompasses the whole District (Attachment A), and
  - b. The Platte River Special Management Area (Attachment B).
5. The Department consulted with the Nebraska Game and Parks Commission (Commission) in accordance with *Neb. Rev. Stat.* § 37-807. As stated in the Commission's response letter dated June 6, 2019, the Commission determined that the adoption of the proposed voluntary IMP would have no adverse effect on threatened and endangered species or their habitat.
6. On June 13, 2019, pursuant to notices duly published in accordance with *Neb. Rev. Stat.* § 46-743, the District and Department jointly held a public hearing in Davenport, Nebraska on the proposed voluntary IMP. Formal written testimony by one member of the public was received.

- d) Required Permits. Any person in the Platte River Special Management Area (groundwater controls area) irrigating or seeking to irrigate must first file obtain an approved permit with the District prior to:
- i. Changing the use of an existing groundwater well or wells;
  - ii. Commencing construction of any new or replacement ground water well; or
  - iii. Modifying the existing infrastructure for the purpose of expanding the consumptive use of ground water.
  - iv. Transfer of groundwater in accordance with any of the guidelines described in section 8.4 of the IMP.
- e) Tracking and Reporting of the Village of Prosser's population. At the time of the IMP writing, the Village of Prosser was the only municipality within the Platte River Special Management Area, there were no industrial uses, and no significant development was expected in the foreseeable future. As such, water use tracking for the Village of Prosser will not be required at this time. The District will, however, annually track the population using readily available data such as the U.S. Census, American Community Survey, or data collected directly from the Village of Prosser. The District will report on the population as a part of IMP annual reviews with the Department.
- f) Allocation on new municipal and industrial uses. For purposes of compliance with the Nebraska New Depletion Plan and in accordance with Neb. Rev. Stat. § 46-740, the District will be required to provide an offset for any new or expanded municipal or industrial use in the Platte River Special Management Area (groundwater controls area) prior to the year 2026. Further, in accordance with Neb. Rev. Stat. § 46-740, starting in the year 2026, any municipality or industry that institutes a new or expanded groundwater use will be required to provide an offset for that use in excess of the amount allocated by the District.

## ORDER

It is therefore ORDERED that the voluntary Integrated Management Plan for the Little Blue Natural Resources District and the groundwater controls in the plan are HEREBY ADOPTED by the District and will become effective on **August 15, 2019**.

LITTLE BLUE NATURAL RESOURCES DISTRICT

July 12, 2019

  
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Marlin Kimle, Board Chair

On July 15, 2019, a copy of this Order was posted on the District's website at [dnr.nebraska.gov](http://dnr.nebraska.gov); mailed to Gordon W. "Jeff" Fassett, Director, Nebraska Department of Natural Resources, 301 Centennial Mall S., Lincoln, NE 68509. As of July 15, 2019, a copy of the adopted IMP is located on the Department's website at [dnr.nebraska.gov](http://dnr.nebraska.gov).

7. Following the public hearing, the District and Department reviewed the testimony and agreed to make minor editorial revisions to the voluntary IMP. Those revisions did not consist of any modification to the proposed goals and objectives, geographic area, or the surface water and groundwater controls of the voluntary IMP.
8. On July 9, 2019, the District's Board of Directors adopted the proposed voluntary IMP and associated groundwater controls.
9. On July 11, 2019, the Department sent a letter to the District agreeing to adopt the proposed voluntary IMP and surface water controls.
10. The District met all publication requirements for this order pursuant to *Neb. Rev. Stat. § 46-744*.

## GROUNDWATER CONTROLS

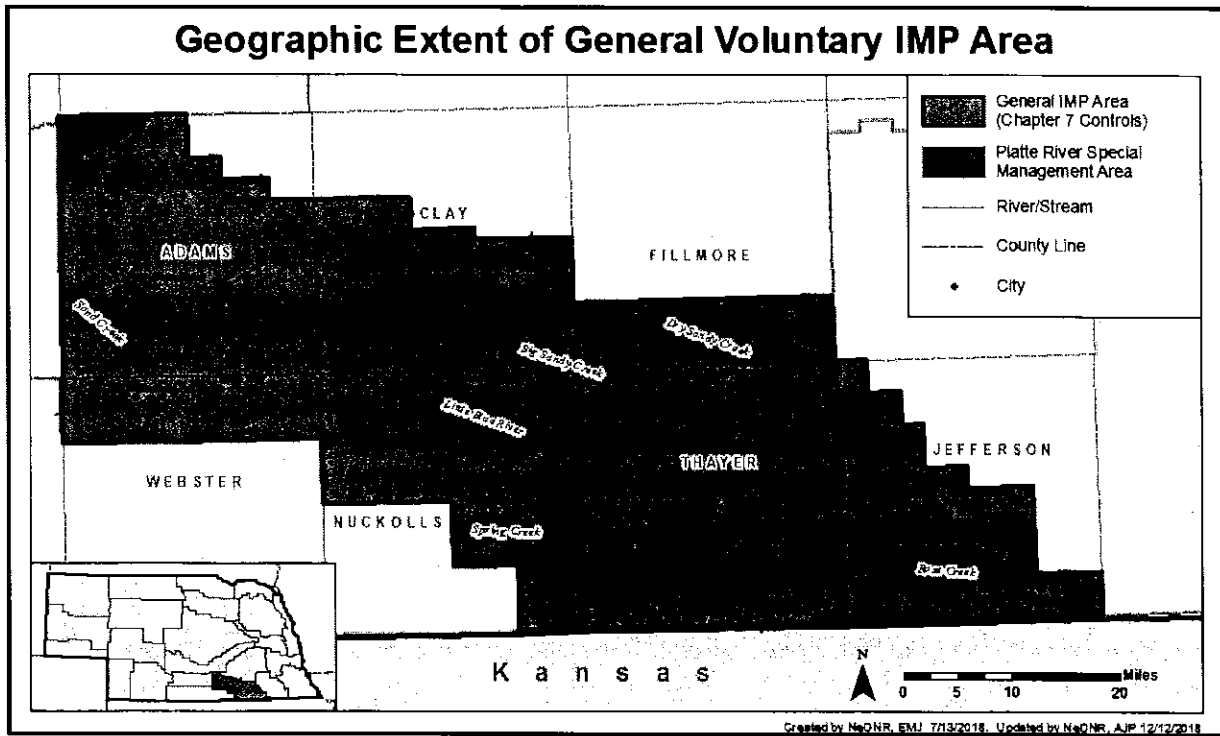
The groundwater control included in the voluntary IMP, for the general IMP area, is as follows:

- a) A District-wide mandatory annual reporting of groundwater withdrawals by all high-capacity (greater than 50 gallons per minute) groundwater users.

The groundwater controls included in the voluntary IMP, for the Platte Special Management Area, are as follows:

- a) Moratorium on new or expanded groundwater uses. In the groundwater control area of the Platte River Special Management Area, the District will require a stay on the issuance of new high-capacity water well construction permits and on any new and expanded use of groundwater.
- b) Certification of Ground Water Use. All existing groundwater uses in the Platte River Special Management Area (groundwater controls area) are certified by the District at the time of implementation of this IMP and are therefore grandfathered in. Certified acres may not be modified unless an offset is provided for any additional consumptive use that occurs as a result of the modification.
- c) Variances for new groundwater uses or modification to certified acres. In order to prevent adverse impacts to existing groundwater or surface water users yet allow for economic viability, the District may grant a variance from the moratorium or modification to certified acres, provided one or more of the following conditions are met:
  - i. An offset is provided for any new, expanded, or modified use;
  - ii. There no consumptive use increase due to the new, expanded or modified use; or
  - iii. The District will consider the timing, location, and amount of any depletion (and associated offset) for any variance of groundwater use or modification to certified irrigated acres, as well as the State's ability to comply with interstate compacts and decrees, or other agreements. Whenever the District is making a calculation of accretion or discretion, the calculation approach must be consistent with methods used by the other NRDs under the Nebraska New Depletion Plan.

**APPENDIX A: MAP OF THE GENERAL VOLUNTARY IMP AREA**



**APPENDIX B: MAP OF THE PLATTE RIVER SPECIAL MANAGEMENT AREA**

