



June 20, 2013

Brian Dunnigan, P.E.  
Director  
Nebraska Department of Natural Resources  
PO Box 94676  
Lincoln, NE 68509-4676

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JUN 21 2013  
DEPARTMENT OF  
NATURAL RESOURCES

Subject: June 20, 2013 Meeting Related to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River, Nebraska

Dear Mr. Dunnigan:

The Central Nebraska Public Power and Irrigation District (Central) is concerned that the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River, Nebraska (Plan) is not addressing conflicts between groundwater irrigators and surface water users. The following conflicts were raised at prior annual Basin-Wide Plan meetings, including the one held in 2012, and have not been addressed:

1. The Nebraska Department of Natural Resources (DNR) must submit the disagreement regarding the adoption of the "Preliminary Estimate of Historical Stream Flow Reductions in the Overappropriated Portion of the Platte River in Nebraska" (Preliminary Estimate) to the Interrelated Water Review Board as is required by law; and
2. The Basin-Wide Plan should require groundwater pumping allocations or other controls within the North Platte NRD that would begin to appreciably reduce consumption and restore depleted river return flows beyond that which the NPNRD is willing to impose itself.

These conflicts are further described below:

### **Preliminary Estimate**

The Plan approved by the Nebraska Department of Natural Resources (Department) and Natural Resource Districts (NRDs) fails to meet the requirement under Nebraska law that it "identify the overall difference between the current and fully appropriated levels of development." (Neb. Rev. Stat. 46-715 (5) (c)). Instead of including the required estimate of the overall difference, the Plan merely states "The DNR and the Platte Basin NRDs are not in agreement that the methodology used in that estimate is the most appropriate to determine the difference between fully and overappropriated, and accordingly, both the DNR and the Platte Basin NRDs will work to identify the overall difference between the current and fully appropriated levels of development." However, this is not an option that is provided for in the law. The statutes

provide for only three alternatives; either (1) all parties consulting and collaborating on the Plan agree on the overall difference, or (2) the Department and NRDs alone agree and identify the overall difference, or (3) the Department or the NRD's notify the Governor and submit the issue to the Interrelated Water Review Board. None of the above options were implemented and at this time, the statutes require the Interrelated Water Review Board to be convened.

At the time the Plan was developed, a technical committee of Department, Central Platte NRD, Central, and NPPD staff members developed the Preliminary Estimate. However, the North Platte NRD refused to accept the Preliminary Estimate. By taking additional time – very nearly four years now and counting – the Department and NRDs are in violation of the law and are exercising an authority not granted to them by the legislature.

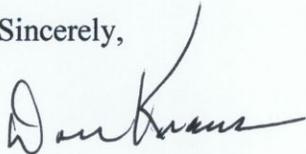
Central proposes and the law requires that the Department and NRDs immediately refer the issue to the Governor and the Interrelated Water Review Board to help resolve the conflicts between groundwater users and surface water users.

#### **NPNRD Actions to Address Groundwater Depletions are Inadequate**

The inflows into Lake McConaughy continue to decline. The attached graph documents a 70 year trend of lower non-irrigation season inflows to Lake McConaughy caused in part by impacts from groundwater pumping in the North Platte NRD. The management plan of the North Platte NRD is inadequate, and lower allocations for groundwater pumping should be required by the Basin Wide Plan to restore baseflows in the North Platte River. In addition, a revision to the North Platte NRD Integrated Management Plan was approved in 2013 delaying the time when allocations would otherwise force some groundwater uses to be cut back, thus allowing continued depletions to Lake McConaughy inflows.

If you should have any questions, please contact me.

Sincerely,

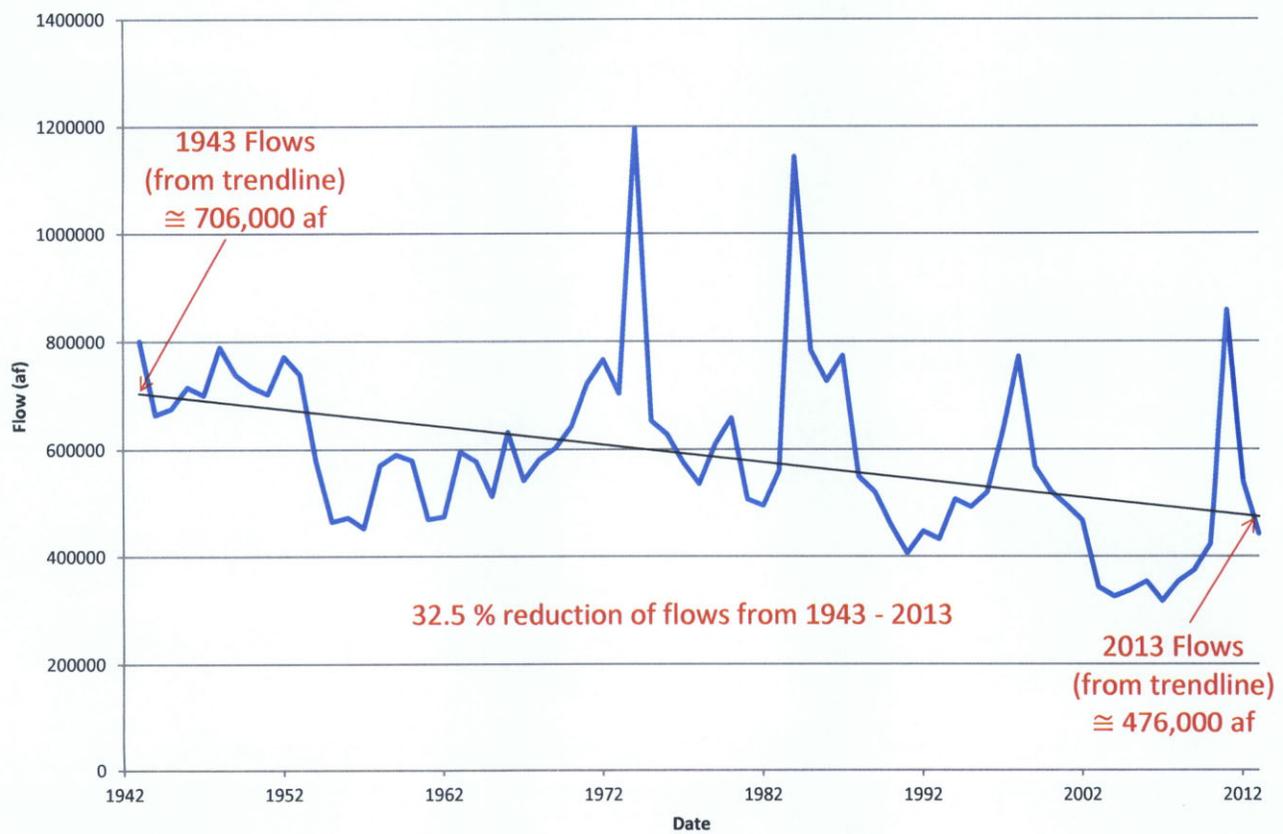


Don Kraus, P.E.  
General Manager

Attachment

rdw

### Non-Irrigation Season Lewellen Flows (October - April)





# CENTRAL

Nebraska Public Power  
and Irrigation District

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