

ATTENTION

March 21, 2005

TO: Central Platte NRD Directors

FROM: Ron Bishop, Manager

SUBJECT: State's Rules on "Fully Appropriated Basins"

Approximately twenty people, including myself and four others from NRDs, have been involved with the Department of Natural Resources in "negotiated rule making" on the criteria and rules they would apply on evaluating river basins and determining whether or not they were "fully appropriated". I had requested to be one of the NRD members of the negotiating team because these rules and criteria will not only be used to evaluate all the basins in the state that have not already been designated (everything except Republican, Platte above Columbus, and Upper Niobrara), but will also be the criteria used to judge whether or not ours and the other Platte Basin NRD's Integrated Management Plans are adequate.

During the "negotiation rule making" process the surface water interests, the environmental interests, and the City of Lincoln proposed to require offsets more like Colorado (0.1% depletion in 100 years requires offset). They ended up formally proposing to establish a line out from a river or stream where, after fifty years of pumping, 1% of the pumped amount would show up as a depletion to the stream. All "new uses" inside that "50 year/1% line would have to be offset.

The NRD members, along with the well drillers, farm bureau, and smaller municipalities wanted to keep the offset outer limit line at the 40-year/28% point as we currently use in Twin Platte and Central Platte NRDs. During the discussions, DNR proposed a 50-year/5% line (all new uses inside that line would have to be offset).

To give you a feel for where these lines would fall, the 50-year/5% line, (using SDF and not COHYST) would be anywhere from six to twelve miles further out than our suspension area that we set a year or so ago. It was set at 40-year/28%.

A 50-year/1% line, as proposed by the surface water/environmental/Lincoln groups, would be another 4 to 8 miles further out (10 to 20 miles out from the 40 year/28% line we currently have).

Three of us from the NRD had a private conversation with Roger Patterson before our last meeting and it appears that we were successful in getting him to soften his stance (50 year/5%) somewhat in that it appeared at the meeting that he was leaning more toward a 50 year/10% outside boundary.

The impact of all of this is that our Integrated Management Plan will likely have to extend out to wherever the Department establishes as an outer limit for offsets, and the plan will have to spell out how offsets for new uses within that boundary are to be made. (Three primary choices: 1) offsets required by the new user, 2) offsets provided by the NRD, or 3) offsets provided by reducing all existing users.)

We need to discuss this matter and develop a strategy for how to approach any position that the Department takes if it is anything other than a 40-year/28% line.