

WHEREAS: For the last ten (10) years or more we have been led to believe, based upon policy discussions and decisions, that forty years and twenty-eight percent depletion would be the standard that would constitute any boundary for regulation.

WHEREAS: The 28% in 40 Year concept was outlined in the 1981 Missouri River Basin States Association study

WHEREAS: The 28% in 40 years concept used in the Nebraska v. Wyoming case as the boundary

WHEREAS: The 28% in 40 years line used in the extensive discussions in the development of Nebraska's New Depletion Plan for the Platte River Cooperative Agreement and in fact is the boundary used in that plan

WHEREAS: Natural Resources Districts have used the 28% in 40 years line for temporary well drilling suspensions

WHEREAS: The 28% in 40 years line was used by the Department of Natural Resources for the boundary of the over-appropriated area of the Platte River

THEREFORE BE IT RESOLVED: That the Nebraska Department of Natural Resources continue to use the recognized standard of 28% in 40 Year line for designation of fully appropriated basin, sub-basin, or reach.

FURTHER BE IT RESOLVED: If the Department of Natural Resources does not use the original standard of 28% in 40 year line for the designation of fully appropriated basin, sub-basin, or reach the NARD will consider pursuing legislative and or legal remedies.