

NEWS RELEASE

Nebraska Department of Natural Resources

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FOR IMMEDIATE RELEASE
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DNR: Lower Platte Declared Not Fully Appropriated *New Scientific Evidence Reverses Preliminary Decision*

(Lincoln, Neb.) Today, Director of the Nebraska Department of Natural Resources (DNR), Brian Dunnigan, announced that the final determination is that the Lower Platte River Basin is not fully appropriated. The basis for overturning the original preliminary determination was the presence of new evidence.

“After evaluating all of the testimony and information provided through the hearing process, including the discovery of an erroneous method used to develop the ground water model simulations for the preliminary determination, the Lower Platte River Basin is not fully appropriated at this time,” said Director Dunnigan. “I plan to issue the notice this week. This final decision is, as the law requires, based upon the best scientific data, information and methodologies available.”

The Ground Water Management and Protection Act requires DNR to annually evaluate the expected long-term availability of hydrologically connected water supplies for both existing and new surface water uses and ground water uses in each of the State’s river basins. State law also requires that determinations on whether river basins, subbasins, or reaches are fully appropriated must be based upon the best scientific data, information and methodologies available.

On December 16, 2008, Director Dunnigan issued the 2009 annual report which included a preliminary determination that the Lower Platte River was fully appropriated based upon the scientific data, information and methodologies available at that time. As

required by law, DNR then scheduled public hearings to receive information on the extent of the area in which the surface water and ground water supplies are hydrologically connected, and whether the stays on new uses should be terminated.

In making the preliminary determination, DNR relied on the United States Geological Survey's federal government study contracted by the Department and local natural resources districts known as the Elkhorn Loup Model or ELM study. At that time, the ELM study was the most accurate science available for making such determinations. Following the preliminary determination, additional information was released to the Department and the natural resource districts. This information indicated that an erroneous method was used to calculate future ground water pumping under average climatic conditions. The erroneous method overestimated the amount of pumping, resulting in a greater estimate of the effect of average pumping on the Lower Platte River. The Department corrected the erroneous method and determined that the future effect of average pumping on the Lower Platte River would not currently cause the basin to be fully appropriated.

Dunnigan added, "The Department will continue to collaborate with the local NRDs and other interested parties to improve the science and methodologies used in making such determinations. Together, we will strive to assure existing users of a dependable water supply into the future."