

## AGENDA – August 21, 2007

The Middle Republican NRD Board of Directors will hold their regular meeting at the American Legion Hall in Curtis, Nebraska on August 21, 2007 at 7:30 P.M.

### Regular Meeting:

1. Meeting called to order.
  - a. Verify quorum
  - b. Excused absences
2. Circulate agenda and roster
  - a. Items added since mailing
3. OFFICIAL NOTICE OF THIS MEETING WAS PUBLISHED IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK DAILY GAZETTE AND WAS POSTED IN THE NRD OFFICE AND ON THE DISTRICT WEBSITE AT WWW.MRNRD.ORG. AS A COURTESY IT WAS ALSO PROVIDED TO LOCAL RADIO STATIONS.
4. Approve minutes for the July regular board meeting.
5. Open Hearing for Variance Request – None
6. Close Hearing
7. Consider Variance Requests
8. Legal Matters
  - a. Case status -
9. Financial Actions
  - a. Approve Financial Report for July 2007
  - b. Approve Budget for publication. Budget Hearing in September
10. Open Forum – The public may comment on agenda items or items not listed on the agenda. For concerns expressed that are not relative to an item on the agenda, you are informed that no action can be taken on your comments. Guests should also note the location of a current copy of the statutes dealing with public meetings.
11. Reports – Agencies, Associations, Others
  - a. NRCS – 1) Dist. Cons. Report
  - b. NARD – 1) Report-Anderjaska 2) Resolutions for Sept Conf.
  - c. NACD – Newsletters
  - d. NNRC –
  - e. Information & Education – Lawson
  - f. NE Republican River Management Districts Association
    - 1) Report on August 20 meeting - CNX
  - g. Other Agencies or Associations

- 1) RC&D - Roger Stockton
- h. Legislation – 1) Interim study hearings July 31, North Platte 2) LR 106 hearing in Alma, October 30<sup>th</sup> – Letter on Implementation of LB 701

12. Ground Water Management

- a. Ground Water Management Area
  - (1) Well permits (2) Surface water reports (3) Meter program (4) Incentive Programs – Consider dollars for CREP (5) Transfer requests – (6) Report on July 18<sup>th</sup> meeting (7) Consider revisions for GWMA Hearing on August 30 at McCook City Auditorium (8) Report on RRCA meeting in Junction City KS (9) Rockies Express pipeline water
- b. Ground Water Quality Management Area 1) Water Quality samples
- c. Republican River Basin Coalition
  - Bond Progress
  - Basin Coordinator
  - Funding
  - Resolution
- d. Other Ground Water Activity

13. Programs

- a. WILD
- b. Buffer Strips
- c. Livestock Waste Control Applications 1) Red Willow Dairy 2) Mortensen Custom Feeding
- d. Conservation Management Funds- LCP/NSWCP
  - Approve Applications
- e. Watersheds – Storm damage repairs
- f. Complaints-Runoff Hayes Co.
- g. Chemigation
- h. Tree Planting

14. General Operations

- a. Personnel - Appoint Owens Secretary of the Board
- b. Sales and Rental Equipment

Adjourn

Next regular meeting date – September 11, 2007 at 7:30 P. M., McCook, Nebraska.

IMPORTANT DATES:

Aug. 30	Hearing - Ground Water Management Area
Sept. 3	Office Closed
Sept. 11	Board Meeting & Budget Hearings
Sept. 23-25	NARD Fall Conference
Sept. ??	Meter readings begin
Oct. 8	Office Closed
Oct. 9	Board meeting
Nov 12	Holiday
Nov 13	Board meeting

**MIDDLE REPUBLICAN NRD**

**ATTENDANCE ROSTER**

August 21 2007

NAME	ADDRESS	DESIRE TO SPEAK	AGENDA ITEM NUMBER
Stacie Owens Bob Merrigan Josh Fresen	Curtis, NE MNRD	N	—
Dan Smith Brad Randel Jayle Haag Rick Spencer Stan Moore Marty Schurr Kevin Fornoff	Maywood Indianola Bartley Culbertson Bartley Maywood Hayes Center	N	
Joe Anderjaska Bejje Louis Jerry Mustion	Hayes Center Maywood Culbertson		
Dal <del>with</del> Tom BAKER Grayson Gilbertson Roger Stockton Lowell Schmidt	Curtis/Moorefield Trenton Farnam Cambridge Moorefield		

Angus Larey      McCook  
Ginton Huxoll      Culbertson  
Brad Wood      Stockville  
D. Felber      and C. K. Rich

\* A Jolson M. Coors

Desire Speck

William M. Bays

Callahan

YES

Raymond Quinn

Bartley

Constance

McCook

Mate Sullivan

Curtis (NRCS)

Earl J. ...

Curtis

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**July 10, 2007**  
**McCook, Nebraska**

**Board Members Present:** Kevin Fornoff, Josh Friesen, Gayle Haag, Benjie Loomis, Stan Moore, Jerry Mustion, Dan Nelsen, Brad Randel, Marty Schurr, Rick Spencer, Joe Anderjaska

**Board Members Absent:** None.

**NRD Staff:** Dan Smith, Bob Merrigan, Stacie Owens and Roger Lawson

**NRCS Staff:** Andy Havlicek

**Others:** Angus Garey, Ralph Scott, Tom Kiplinger, D. Felker, Dale Dueland, Larry Durner, Kurt Fritsch, Steve Fries, Raymond Durner, Claude Cappel, Dan Wallen, Marleen Garcia, Roger Wilson, Brad Edgerton, Clويد Clark, Merlin Brown, William Barger, Brad Johnson, Marv Swanda, Roger Stockton, Lorrie Sughroue, Mark Billinger

**Information Mailed to Directors:**

Agenda	June Minutes
Annual NARD Conference, 9/07	7/1/07-6/30/08 Draft Budget
June Financial Report	E-notes for June 12, 19 and 26, 2007
Information & Education Report	Healthy Water Healthy People Workshop
2007 Daily Website Hits	June 22, Follow-up Meeting, RRBP
Request for Temporary Transfer of H2O	Ground Water Management Area Plan revisions

**Information Distributed at Meeting:**

MRNRD 2007 Tree Sales  
7/10/07 Cost-Share Summary  
Republican River Basin Surface Water lease Program  
7/5/07 News Release from Office of the Governor re: Vegetation Task Force  
6/25/07 Letter from NE State Legislature  
Outline of Draft Proposal, Republican Basin NRDs Compact Compliance Assistance Plan  
Thank you from Laura Barger for Scholarship received  
Southwest Weed Management Area Letter dated 6/5/07

**REGULAR MEETING**

The regular monthly board meeting was called to order by Chairman Friesen at 7:33 PM. The agenda and roster were circulated to those present.

**Added Items:** Final 2007 Tree Sales Report

Notice of the regular monthly meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette** and was posted at the **MRNRD Office** and on the **District Website** at [www.mrnrd.org](http://www.mrnrd.org). As a courtesy it was also provided to local radio stations.

The minutes for the regular board meeting on June 12, 2007 were mailed to Directors.

- ◆ A motion was made by Spencer and second by Nelsen to approve the minutes with corrections on Page 5 and 6.  
Ayes- 10      Nays- 0      Abstain-Anderjaska      Motion Carried

The meeting was recessed at 7:35 PM for the purpose of opening the variance hearing. The meeting was reconvened at 7:43 PM.

#### **CONSIDER VARIANCE REQUEST-**

Discussion was held regarding possible capping of one of the old wells and whether it was the best location.

- ◆ A motion was made by Fornoff and second by Moore to approve the request for variance from the rules and regulations on the Stays in the Drilling of New Wells for the Village of Palisade to drill a new well to provide better quality of water to the community.  
Ayes-11      Nays- 0      Motion Carried

#### **LEGAL MATTERS –**

Dan Smith reported that the Motion for Summary Judgment will be considered on September 11, 2007.

#### **FINANCIAL ACTIONS**

The financial report for June was presented. The County Treasurer's Balance was \$204,061.69. The monthly budget comparison was presented and reviewed.

- ◆ A motion was made by Fornoff and second by Loomis to approve the June financial report as presented.  
Ayes-11      Nays-0      Motion Carried

A copy of this report is on file with the minutes.

Smith reported that the auditors are here this week completing the yearly audit.

Smith represented the draft budget for 07-08 giving details to particular line items and their projections. The Board requested he do some refining and revisit the numbers at the next meeting. The Board will have to approve the budget for publication in August prior to September when the Budget Hearing will have to be held.

#### **OPEN FORUM**

Larry Durner asking about new water allocations.  
Dan Wallen concerned about CREP/EQIP taxing.  
Claude Cappel concerned about taxing.  
Bill Barger concerned about the buyout.

#### **NRCS REPORT**

Havlicek presented a letter from Rick Hedke, President, Southwest Weed Management Area, which was sent out to landowners along the Republican River regarding LB 701 which contains emergency funding for spraying and mechanical weed control within the river banks.

The letter contained locations and dates for informational meetings that will be held throughout the area, and a website where more information can be obtained.

He also reported that they are taking applications for the EQIP program for '08. Those interested should contact their NRCS Office to sign up.

Smith reported on additional funding for the McCook Tech agreement.

#### **NARD**

Anderjaska reported on issues discussed at June 28<sup>th</sup> meeting. The legislative conference will be held on February 5-6. Conference in September will be 23-25. They passed the State Association budget with only an approximate \$20,000 increase.

#### **NACD**

E-notes dated June 12, 19 and 26 were mailed to the Directors.

#### **NNRC**

None.

#### **INFORMATION AND EDUCATION**

Roger Lawson gave an update on grant and scholarship providing a letter of thank you from one of the scholarship recipients. He also discussed and provided folders of information on NeRain to the Board Members. Reported on what he learned at the Healthy Water, Healthy People training class he attended in Nebraska City and went over the abilities of the water testing kit he received.

#### **NRRMDA**

Next meeting will be August 20, 2007.

#### **RC&D**

Roger Stockton reported on LB701 grant proposal he submitted July 1st. The Southwest WMA should hear back by the 16<sup>th</sup> on funding. Republican was target area.

#### **LEGISLATION**

Smith reported on the invite to participate in interim study hearing to be held July 31<sup>st</sup> at the McDonald Belton campus on (1) coordination between NRD/State and State/Federal agencies, (2) ground water model and (3) flow meter data programs.

#### **GROUND WATER MANAGEMENT AREA WELL PERMITS**

None.

#### **SURFACE WATER REPORTS**

Smith reported we have not received them from Bureau yet.

#### **METER PROGRAM**

None.

#### **INCENTIVE PROGRAMS**

Smith reported that waiting on last 3 EQIP easements but still moving forward.

**TRANSFER REQUEST**

Bob Merrigan presented the Request for Temporary Transfer of Ground Water from Robert Stinson to Betty Rice, Revocable Living Trust. Mr. Stinson wants to move his water to the ground he rents.

- ◆ A motion was made by Anderjaska and second by Fornoff to approve Transfer Request a presented.  
 Ayes -11      Nays -0      Motion Carried

**RRB COALITION REPORT ACTIONS ON ORGANIZATION, BONDING PROCESS**

Smith discussed proposal. Also stated Board would need to take action on subject by August. June 22<sup>nd</sup> group meeting was discussed, next meeting scheduled for July 18<sup>th</sup>.

**SUGGESTED CHANGES FOR IMP AND GWMA**

- ◆ A motion was made by Fornoff and second by Loomis to set ground water allocation at 60 inches for 5 years with ratcheting concept that would apply to non-water short years.  
 Ayes -10      Nays - Haag      Motion Carried

Specific language to be further developed. Try to set up a hearing date for August 29<sup>th</sup> or 30<sup>th</sup> in McCook at City Auditorium. Ground Water Committee will meet prior to August board meeting to finalize rule proposals.

Discussion was held to consider Basin Coordinator Position. It was reported that both Upper and Lower Republican voted to move forward.

- ◆ A motion was made by Loomis and second by Fornoff to contribute to expenses for hiring a Basin Coordinator.  
 Ayes -8      Nays -Haag, Randel, Spencer      Motion Carried

**OTHER GROUND WATER ACTIVITY -**

None.

**WILD -**

None.

**BUFFERSTRIPS -**

None.

**LIVESTOCK WASTE CONTROL -**

None.

**CONSERVATION MANAGEMENT FUNDS**

Smith discussed Cost Share Report provided.

- ◆ A motion was made by Schurr and second by Loomis to approve Cost Share Report.  
 Aycs -10      Nays -0      Abstain-Moore      Motion Carried



**WATERSHEDS –**

Smith reported we will need Federal monies.

**COMPLAINTS –**

None.

**CHEMIGATION –**

Merrigan reported process was on-going.

**TREE PLANTING –**

None.

**PERSONNEL**

Smith reported on the hiring of Stacie Owens to replace Christy Peterson. Owens will be on a 90-day probation period.

**SALES AND RENTAL EQUIPMENT –**

None.

**OFFICE REMODELING QUOTE**

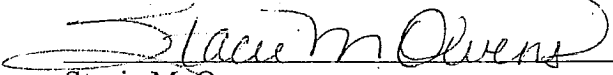
Tabled until we know where we stand on the Basin Coordinator position.

**DEPOT SIDING QUOTE**

Smith revisited quote previously provided. It was found that some items were not included in that quote, however, Smith and Merrigan determined that 90% of the labor could be completed by us in order to save the District money.

The meeting was adjourned at 11:32 PM.

The next meeting will be Tuesday, August 21, 2007 in Curtis, Nebraska starting at 7:30 PM.

  
\_\_\_\_\_  
Stacie M. Owens  
Board Secretary

**MINUTES**  
**Middle Republican Natural Resources District**  
**Public Hearing**  
**July 10, 2007**  
**McCook, Nebraska**

**Board Members Present:** Joe Anderjaska, Kevin Fornoff, Gayle Haag, Stan Moore, Josh Friesen, Benjie Loomis, Jerry Mustion, Dan Nelsen, Brad Randel, Marty Schurr & Rick Spencer

**Board Members Absent:** None

**NRD Staff:** Dan Smith, Robert Merrigan, Stacie Owens and Roger Lawson

**NRCS Staff:** Andy Hlavicek

**Those presenting testimony:** None

**PUBLIC HEARING**

Chairman Friesen called the public hearing to order at 7:35 p.m. The agenda and roster were circulated to those present.

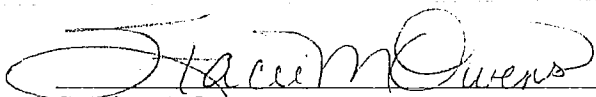
OFFICIAL NOTICE OF THIS PUBLIC HEARING WAS PUBLISHED NOT LESS THAN TEN DAYS PRIOR TO THE HEARING IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK GAZETTE. INDIVIDUALS INVOLVED IN THE HEARING WERE NOTIFIED BY MAIL.

**STATEMENT OF PURPOSE**

The purpose of this hearing is to hear a request for a variance from the rules and regulations on the Stays in the Drilling of New Wells, Certification of Irrigated Acres or other rules and regulations of the District.

Smith reported on information received from Miller and Associates concerning the variance request.

Chairman Friesen closed the hearing at 7:43 p.m.

  
\_\_\_\_\_  
Stacie M. Owens  
Board Secretary



Dave Heineman  
Governor

## STATE OF NEBRASKA

OFFICE OF THE GOVERNOR  
P.O. Box 94848 • Lincoln, Nebraska 68509-4848  
Phone: (402) 471-2244 • gov.heineman@gov.ne.gov

July 30, 2007

Dear Water Policy Task Force Members:

I am sorry I cannot be with you. As you may know, my father passed away and I am attending his funeral today. I hope you have a productive meeting and I would like to share some thoughts with you.

First, thank you for your service on this task force. I greatly appreciate the input and ideas you have shared with me since I have been Governor. As you know, the conjunctive management of surface water and ground water is a very complex issue, involving not only difficult technical issues, but also challenging legal, economic and political issues.

Due in large part to the hard work of the members of the Water Policy Task Force, we have made significant progress. As you have often stressed, the State will not be successful in resolving our water problems unless we have an adequate source of funds to provide the data necessary to develop valid solutions and to develop and implement successful water management plans. In the last legislative session, we made substantial progress towards this goal with the passage of LB 701. This bill provides four million dollars for management of riparian vegetation, which is clogging our streams; creates the Water Resources Cash Fund to address interrelated surface water and ground water issues statewide; and provides the authority for the Republican River NRDs to raise funds to help insure compliance with the Republican River Compact and, more importantly, help the basin achieve a sustainable balance between water supply and use. LB 701 addresses both our short-term issues in the Republican River Basin and creates a framework for addressing our water challenges with the Platte River Cooperative Agreement. All of these efforts hopefully will assist the NRDs and the DNR as they work together to develop effective Integrated Management Plans.

I want to particularly thank the Republican River Natural Resources Districts, surface water irrigation districts, and individual farmers and ranchers for working with the DNR to meet our challenges to achieve sustainability of our water supplies and to achieve compliance with the Republican River Compact. Obviously, we have more work to do. To insure compliance with the Republican River Compact, the allocations for ground water pumping probably will need to be lower than what is currently being discussed publicly. However, it is possible that the allocations could be increased in future years if we can successfully implement vegetation management programs, water augmentation projects, surface water buy-outs and other programs that will reduce the amount of water consumed in the basin. If these and other ideas prove successful, the State of Nebraska will work with the NRDs to increase allocations where appropriate.

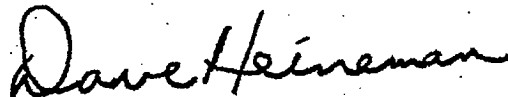
*(continued)*

Although the details of the hydrology and nature of the problems in the Platte River Basin are different those in the Republican Basin, the Platte also must develop and implement integrated management plans to achieve sustainability of water supplies and to comply with the three state agreement. This agreement, the Platte River Recovery and Implementation Program, requires that by the end of 2008 Nebraska have a plan in place to decrease the depletions to the Platte River to the 1997 level of development. Meeting this deadline will be a challenge.

Funding the offsets for new water uses from 1997 to 2005 is an issue that must be resolved. As I have stated many times before, the State is willing to assist in funding for these offsets, but the State should not be responsible for funding the entire program.

The reductions in the Platte and Republican River Basins are necessary and critical steps toward achieving a long-term, sustainable solution to our water problems. Maintaining a water supply for future uses is a goal that must be met if we are to maintain a bright future for our State. We must make difficult decisions today for a more prosperous tomorrow. I am confident that by working together we can ensure better management of our water supply. Again, thank you for your leadership on these challenging water issues.

Sincerely,

A handwritten signature in black ink that reads "Dave Heineman". The signature is written in a cursive, flowing style.

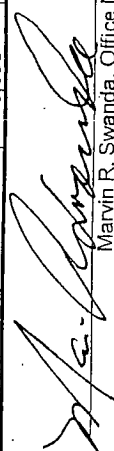
Dave Heineman  
Governor, State of Nebraska

NEBRASKA-KANSAS AREA OFFICE - MONTHLY RESERVOIR REPORT

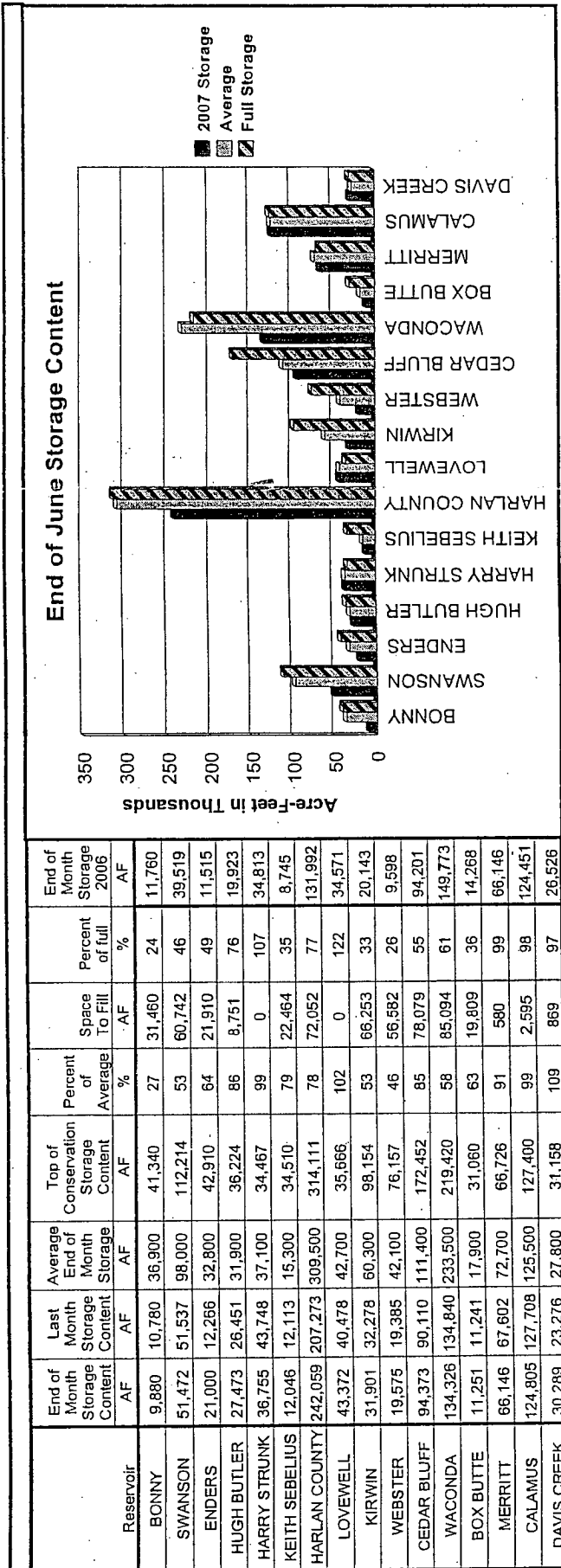
OPERATIONS DATA AT THE END OF JUNE 2007

Reservoir	Current Reservoir Conditions				Top of Dead Pool		Top of Inactive		Top of Conservation		Top of Flood Pool	
	Elevation	Total Storage	Active Storage	Area (acres)	Elevation	Capacity (AF)	Elevation	Capacity (AF)	Elevation	Capacity (AF)	Elevation	Capacity (AF)
BONNY	3650.63	9,880	7,746	921	3635.5	1,418	3638.0	2,134	3672.0	41,340	3710.0	170,160
SWANSON	2737.00	51,472	39,042	3227	2710.0	2,118	2720.0	12,430	2752.0	112,214	2773.0	246,291
ENDERS	3096.60	21,000	12,052	1122	3080.0	7,516	3082.4	8,948	3112.3	42,910	3127.0	72,958
HUGH BUTLER	2576.01	27,473	18,552	1398	2552.0	5,185	2558.0	8,921	2581.8	36,224	2604.9	85,070
HARRY STRUNK	2367.22	36,755	28,858	1926	2335.0	3,408	2343.0	7,897	2366.1	34,647	2386.2	87,361
KEITH SEBELIUS	2290.37	12,046	8,053	1169	2275.0	1,636	2280.4	3,993	2304.3	34,510	2331.4	133,740
HARLAN COUNTY	1939.96	242,059	123,960	11639	1885.0	0	1927.0	118,099	1945.73	314,111	1973.5	814,111
LOVEWELL	1585.03	43,372	31,728	3355	1562.07	1,674	1571.7	11,644	1582.6	35,666	1595.3	86,131
KIRWIN	1711.77	31,901	23,386	2501	1693.0	4,969	1697.0	8,515	1729.25	98,154	1757.3	313,290
WEBSTER	1871.37	19,575	15,344	1739	1855.5	1,256	1860.0	4,231	1892.45	76,157	1923.7	259,510
CEDAR BLUFF	2130.14	94,373	65,799	4300	2090.0	4,402	2107.8	28,574	2144.0	172,452	2166.0	364,342
WACONDA	1447.55	134,326	108,089	8548	1407.8	248	1428.0	26,237	1455.6	219,420	1488.3	942,408
BOX BUTTE	3991.09	11,251	8,007	913	3969.0	640	3979.0	3,244	4007.0	31,060	No Flood Pool	No Flood Pool
MERRITT	2945.80	66,146	61,484	2892	2875.0	774	2896.0	4,662	2946.0	66,726	No Flood Pool	No Flood Pool
CALAMUS	2243.49	124,805	100,159	5056	2185.0	817	2213.3	24,646	2244.0	127,400	No Flood Pool	No Flood Pool
DAVIS CREEK	2075.23	30,289	30,117	1118	1998.5	76	2003.0	172	2076.0	31,158	No Flood Pool	No Flood Pool

Reservoir	Computed Inflow for June 2007				Precipitation at NKAO Dams for June 2007					
	Computed Inflow (AF)	Avg. Daily Inflow (cfs)	Computed Outflow (AF)	Avg. Daily Outflow (cfs)	Total (in)	Normal	Percent Normal	Total Year	Normal Year	Percent Normal
BONNY	700	12	1,073	18	3.04	2.69	113	8.03	8.98	89
SWANSON	1,594	27	60	1	1.25	3.23	39	10.57	10.26	103
ENDERS	9,312	156	179	3	6.88	3.20	215	15.88	9.98	159
HUGH BUTLER	1,949	33	238	4	2.23	3.29	68	12.29	9.86	125
HARRY STRUNK	15,194	255	21,335	359	2.14	3.62	59	14.33	10.73	134
KEITH SEBELIUS	632	11	81	1	3.14	3.56	88	12.93	12.43	104
HARLAN COUNTY	41,187	692	2,088	35	2.78	3.60	77	16.45	11.48	143
LOVEWELL	9,208	155	4,924	83	8.11	3.90	208	18.87	13.40	141
KIRWIN	898	15	0	0	1.66	3.24	51	10.54	12.06	87
WEBSTER	1,048	18	0	0	1.19	3.28	36	11.49	11.80	97
CEDAR BLUFF	6,279	106	0	0	1.80	3.26	55	12.71	10.49	121
WACONDA	6,265	105	2,451	41	2.66	3.63	73	13.39	12.59	106
BOX BUTTE	490	8	48	1	2.31	3.38	68	6.66	9.47	70
MERRITT	12,317	207	12,278	206	4.13	3.46	119	17.33	10.78	161
CALAMUS	24,164	406	24,960	419	2.80	3.55	79	21.08	12.38	170
DAVIS CREEK	13,563	228	6,035	101	3.74	4.30	87	21.76	12.55	173

Submitted by:  Date: 7/1/07

Marvin R. Swanda, Office Manager



NEBRASKA-KANSAS AREA OFFICE - MONTHLY RESERVOIR REPORT

OPERATIONS DATA AT THE END OF JULY 2007

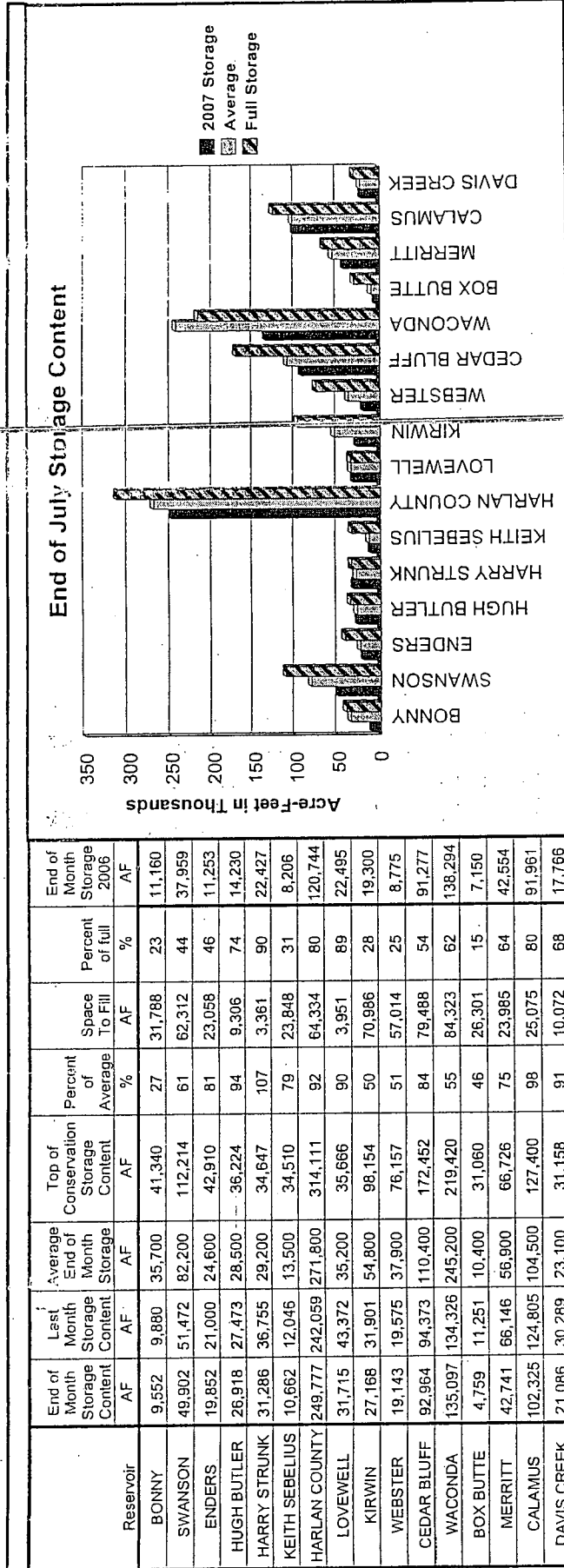
Reservoir	Current Reservoir Conditions				Top of Dead Pool			Top of Inactive			Top of Conservation		Top of Flood Pool	
	Elevation	Total Storage	Active Storage	Area (acres)	Elevation	Capacity (AF)	Elevation	Capacity (AF)	Elevation	Capacity (AF)	Elevation	Capacity (AF)	Elevation	Capacity (AF)
BONNY	3650.27	9,552	7,418	901	3635.5	1,418	3638.0	2,134	3672.0	41,340	3710.0	170,160		
SWANSON	2736.51	49,902	37,472	3180	2710.0	2,118	2720.0	12,430	2752.0	112,214	2773.0	246,291		
ENDERS	3095.56	19,852	10,904	1082	3080.0	7,516	3082.4	8,948	3112.3	42,910	3127.0	72,958		
HUGH BUTLER	2575.61	26,918	17,997	1380	2552.0	5,185	2558.0	8,921	2581.8	36,224	2604.9	85,070		
HARRY STRUNK	2364.18	31,286	23,389	1660	2335.0	3,408	2343.0	7,897	2366.1	34,647	2386.2	87,361		
KEITH SEBELIUS	2289.05	10,662	6,669	1075	2275.0	1,636	2280.4	3,993	2304.3	34,510	2331.4	133,740		
HARLAN COUNTY	1940.61	249,777	131,678	11961	1885.0	0	1927.0	118,099	1945.73	314,111	1973.5	814,111		
LOVEWELL	1581.23	31,715	20,071	2781	1562.07	1,674	1571.7	11,644	1582.6	35,666	1595.3	86,131		
KIRWIN	1709.73	27,168	18,653	2143	1693.0	4,969	1697.0	8,515	1729.25	98,154	1757.3	313,290		
WEBSTER	1871.12	19,143	14,912	1722	1855.5	1,256	1860.0	4,231	1892.45	76,157	1923.7	259,510		
CEDAR BLUFF	2129.81	92,964	64,390	4246	2090.0	4,402	2107.8	28,574	2144.0	172,452	2166.0	364,342		
WACONDA	1447.64	135,097	108,860	8578	1407.8	248	1428.0	26,237	1455.6	219,420	1488.3	942,408		
BOX BUTTE	3982.02	4,759	1,515	541	3969.0	640	3979.0	3,244	4007.0	31,060	No Flood Pool	No Flood Pool		
MERRITT	2935.70	42,741	38,079	1876	2875.0	774	2896.0	4,662	2946.0	66,726	No Flood Pool	No Flood Pool		
CALAMUS	2238.75	102,325	77,679	4436	2185.0	817	2213.3	24,646	2244.0	127,400	No Flood Pool	No Flood Pool		
DAVIS CREEK	2066.02	21,086	20,914	882	1998.5	76	2003.0	172	2076.0	31,158	No Flood Pool	No Flood Pool		

Computed Inflow for July 2007

Reservoir	Computed Inflow (AF)		Avg. Daily Inflow (cfs)		Computed Outflow (AF)		Avg. Daily Outflow (cfs)		Total Evap (AF)	Change (AF)	Precipitation at NKAO Dams for July 2007	
	Computed Inflow (AF)	Avg. Daily Inflow (cfs)	Computed Outflow (AF)	Avg. Daily Outflow (cfs)	Total (in)	Normal	Percent Normal	Total Year			Normal Year	Percent Normal
BONNY	785	13	482	8	631	(328)	1.70	2.68	63	9.73	11.66	83
SWANSON	359	6	62	1	1867	(1,570)	2.65	3.24	82	13.22	13.50	98
ENDERS	233	4	738	12	643	(1,148)	4.66	2.94	159	20.54	12.92	159
HUGH BUTLER	499	8	246	4	808	(955)	4.56	2.95	155	16.85	12.81	132
HARRY STRUNK	7,840	128	12,452	203	857	(5,469)	6.71	3.04	221	21.04	13.77	153
KEITH SEBELIUS	631	10	1,287	21	728	(1,384)	3.47	3.74	93	16.40	16.17	101
HARLAN COUNTY	26,130	425	12,238	199	6,174	7,718	2.79	3.41	82	19.24	14.89	129
LOVEWELL	5,876	96	16,318	265	1,215	(11,657)	1.94	3.80	51	20.81	17.20	121
KIRWIN	1,827	30	5,187	84	1,373	(4,733)	7.16	3.06	234	17.70	15.12	117
WEBSTER	614	10	0	0	1,046	(432)	5.37	3.49	154	16.86	15.29	110
CEDAR BLUFF	1,143	19	0	0	2,552	(1,409)	2.76	3.34	83	15.47	13.83	112
WACONDA	11,935	194	5,944	97	5,220	771	3.81	3.72	102	17.20	16.31	105
BOX BUTTE	299	5	6,399	104	392	(6,492)	3.00	2.52	119	9.66	11.99	81
MERRITT	14,626	238	36,615	595	1,416	(23,405)	0.10	3.29	3	17.43	14.07	124
CALAMUS	22,095	359	42,189	686	2,386	(22,480)	5.00	3.11	161	26.08	15.49	168
DAVIS CREEK	8,495	138	17,199	280	499	(9,203)	2.33	3.25	72	24.09	15.80	152

Submitted by: *Marvin R. Swanda*  
 Date: 8/7/07

Marvin R. Swanda, Office Manager







# NDNR MEMO

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July 26, 2007

To: Meeting Attendees  
Senator Carlson, District 38  
Senator Christensen, District 44

From: Ann Bleed, Director  
James R. Williams, Republican River Coordinator

Subject: **Summary of Meeting**  
**Republican River Basin Planning Group**  
**Cambridge, NE, July 18, 2007**

The purpose of this meeting was to come closer to an agreement on the basic components of an acceptable basin-wide plan for the Republican River Basin that will insure that Nebraska achieves compliance with the Republican River Compact. A key to this discussion was the development of an understanding of what percentage of the water supply available to Nebraska needs to be allotted, to surface water and ground water users and how much groundwater pumping can be allowed in each NRD in order to stay in compliance with the compact. In order to arrive at final allocations, it is imperative that we determine what management activities can be implemented in both the near term and the long term to either reduce the consumptive use of water in the basin or increase the water supply of the basin. For each management activity, we must also determine the amount of water we can rely on being provided as a result of implementing the activity. The decision on the final percentage allotments and pumping allocations will depend on weighing the risks associated with the probability that a certain management activity will be implemented and will produce a given amount of water versus the risk of not achieving compact compliance.

## ATTENDEES

The list of attendees included representatives from the Nebraska Department of Natural Resources (NDNR), the four primary Natural Resources Districts in the basin, surface water irrigators, and the Bureau of Reclamation. In addition, the Nebraska Attorney General's office, the Kearney Hub, Central Nebraska Public Power and Irrigation District, and the Nebraska Association of Resources Districts were represented.

## REPORTS

Reports on assignments from the previous meeting were presented. Lee Orton provided notes and a summary of the meeting between the NRDs and the surface water irrigation

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districts and the Bureau (see written notes). John Thorburn provided an analysis on possible water savings from vegetation management activities. Thorburn noted that more evaluation of the possible water savings needed to be done to increase our confidence in the ability of vegetation management to save water. Mike Clements provided a report on the potential for increasing participation in CREP and EQIP programs. He stated that there was a lot of interest by many in further participation but did not have a figure for how much would need to be paid to achieve sign-ups. The NDNR presented an analysis of what kind of reductions in pumping allocations would need to be achieved in order to provide certain levels of surface water that would be available for purchase in a long-term dry leasing program to stay in compliance with the compact. Included among the handouts was a letter from Senator Carlson.

Table 1. Summary of Meeting Handouts.

Handout	Presented By
Notes from a Meeting Between Republican Basin Irrigation Districts, Natural Resources Districts, and Reclamation	Lee Orton
Estimate of Water Consumption Reduction Due to Improved Stream Channel and Riparian Land Management in the Republican River Basin	John Thorburn
Benefit – Cost Analysis for Removal of non-Federal Reservoirs In the Republican River Basin	Jim Williams
Allocation Tables and Description of Columns	Ann Bleed
Letter From Senator Carlson, <i>July 16, 2007</i>	(Discussed)

## NRD BOARD ACTIONS ON ALLOCATIONS

The Lower Republican and Middle Republican NRDs had voted (the previous week) to set allocations as follows:

- Middle Republican NRD: sixty inches over the next five years; an additional inch per year will be allowed if the basin is not under Water-Short Year Administration (WSYA)
- Lower Republican NRD: fifty-five inches over then next five years

The Upper Republican NRD stated that want to work with the NDNR before they set their allocations, but that they were looking at a reduction of approximately one inch from their current 13.5 inches/year allocation.

After reporting on their board actions Bleed asked both the MRNRD and LRNRD if the rules that would set the proposed NRD allocations would allow for reductions in the allocations if Nebraska was not likely to be in compliance with the Compact. The LRNRD and MRNRD representatives at the meeting could not provide a clear answer to this question. Bleed stated that in order for NDNR to be able to accept an Integrated Management Plan with these allocations, the additional measures for reducing streamflow depletions or augmenting streamflow would have to have a very good chance

of succeeding. In addition, any contracts needed to implement the required measures to offset stream depletions would have to be in place to offset any stream depletions that would otherwise cause Nebraska exceed its allocations. Furthermore each plan must continue to include a provision that if the allocations were not set at a level to achieve compact compliance, they would be changed. This raises the question of whether an NRD wants to have a lower initial allocation and provide certainty to their constituents that the allocation would not be lowered over a certain allocation period, although it could be raised, or start off with a higher allocation but have a clear understanding with producers that the allocation may have to be lowered if necessary, in order for Nebraska to achieve compact compliance.

### **DISCUSSION OF BASIN-WIDE PLAN**

Ann Bleed made it clear that the allocations established by the Lower and Middle NRDs are higher than the allocations suggested by NDNR during previous meetings. The goal of current planning efforts is to establish management plans that will allow Nebraska's beneficial consumptive use to be less than their allocation in 2012. The suggestion of NDNR was to start the planning discussions with proposed allocations that, along with existing CREP and EQIP programs, would reach the 2012 goal. Then, to the extent that we can be sure that additional management measures will be implemented and that they will provide a certain level of reduction in consumptive use or augmentation of streamflow, we could raise the allocations. For example, if it is safe to assume that vegetation management will be implemented and that it will reduce consumptive use by so many acre feet or a surface water lease program has been implemented and we can count on the necessary surface water supply being available to provide so many acre feet, the ground water allocations could be increased accordingly.

When asked if NDNR had settled on a given set of required allocations, Bleed replied that NDNR did not want to establish a fixed allocation until we had a good handle on all potential management options. To do otherwise would be premature. Rather than establish a fixed allocation now, the NDNR would prefer to continue to work with the NRDs to try to develop a mutually acceptable plan.

During this discussion the surface water districts stated that they intended to deliver water to their customers next year.

Before going on to discuss what would be presented at the RRCA meeting, Bleed asked if there was anything else regarding the basin wide planning process that anyone wanted to discuss. There was no request for further discussion.

### **RRCA MEETING**

At the Republican River Compact Administration (RRCA) meeting in August the various NRDs will discuss their efforts to come into compliance with the Final Settlement

Stipulation. These plans will include the irrigation allocations as described above, along with any plans to compensate for depletions to stream flow as necessary for Compact compliance.

#### **FUTURE MEETINGS**

August 13, 2007 – This meeting has been cancelled  
August 14, 15, 2007 – RRCA Meeting, Junction City, Kansas  
August 20, 2007 – Next Republican River Managers' Meeting in Imperial  
September 6, 2007 – Meeting of the Republican River Planning Group in Holdrege.  
Although an alternate date of September 26, 2007 was set, it looks like the September 6, 2007 meeting date will work.

**AUTHORITY** - These rules and regulations are adopted pursuant to the authority granted in the Nebraska Ground Water Management and Protection Act.

**PURPOSE** - The purposes of the management area are (1) to protect ground water quantity; and (2) the prevention or resolution of conflicts between users of ground water and appropriators of surface water, which ground water and surface water are hydrologically connected through implementation of controls to meet the goals and objectives identified in the Integrated Management Plan for the Middle Republican Natural Resources District and the Nebraska Department of Natural Resources.

## **CHAPTER 1 – MANAGEMENT AREA**

### **RULE 1-1 MANAGEMENT AREA DESIGNATION AND BOUNDARIES**

1-1 A sub area of the management area designated on July 1, 1998 is hereby designated for purposes of implementing the Integrated Management Plan. The geographic and stratigraphic boundaries of the sub area coincide with the existing geographic and stratigraphic boundaries of the existing management area designated on July 1, 1998 (such sub area for integrated management will be referred to as a "management area"). The geographic boundary of the management area is the boundary of the Middle Republican Natural Resources District. The stratigraphic boundary of the management area is from the land surface to the base of the underlying sand and gravel layers that contain the water bearing material. The base of the sand and gravel layers rest on impervious layers of Niobrara Chalk, Pierre Shale or formations from the White River Group. (see Map 1)

1-1.1 A list of legal descriptions identifying the Quick Response and Platte sub areas is on permanent file at the office in Curtis and is available for inspection during normal business hours. (10/03/2006)

## **CHAPTER 2 – GENERAL PROVISIONS**

### **RULE 2-1 VARIANCES**

- 2-1.1 The Board may grant variances from the strict application of these rules and regulations upon good cause shown.
- 2-1.2 All requests for a variance shall be made on forms provided by the District and will be acted upon at a formal adjudicatory hearing before the Board. This hearing will be advertised in the legal newspaper of the District and all known involved parties will be advised of the hearing. The well owner or his or her representative shall be present at the hearing. With prior notification to the District, written testimony may be provided if the well owner cannot be present.
- 2-1.3 The Board, at its discretion, may designate conditions under which specific requests for a variance may be approved by methods other than a formal adjudicatory hearing. A variance granted under these conditions shall be referred to as an expedited variance.

### **RULE 2-2 EXPEDITED VARIANCE**

2-2.1 The Board hereby approves the following expedited variances and allows approval without Board consideration:

1. Alternative methods for metering of wells that pump less than two hundred and fifty (250) gallons per minute.
2. Exempt unused and inactive status wells from the metering requirement until well is placed into active status or is otherwise used.
3. Approval of permits to construct a contamination / remediation well for the purpose of withdrawal or treatment of contaminated water, or for the introduction or removal of air, water or chemicals. The expedited variance request shall include written approval of the state agency with supervisory responsibility for the planned project.
4. Approval of permits to construct a monitoring / observation well for the purpose of withdrawal of water or the observation of water levels during aquifer testing, collection of water quality samples and providing hydrologic information. A monitoring / observation well shall not have a permanent pump installed. The expedited variance request shall include the planned disposition of the well after its intended use is completed.

2-2.2 All requests for an expedited variance shall be made on forms provided by the District.

2-2.3 Approval, approval with conditions or denial of a properly completed request for an expedited variance will be made within thirty (30) days of the receipt of the completed variance.

### **RULE 2-3 SEVERABILITY**

If any rule or any part of any rule herein shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

### **RULE 2-4 VIOLATIONS AND ENFORCEMENT**

These rules and regulations shall be enforced by the District through the use of cease and desist orders issued in accordance with the "Rules and Regulations for the Enforcement of the Nebraska Ground Water Management and Protection Act", adopted on March 27, 2000, and section II, subsection E, Rule 4 of the "General Policy Statement".

### **RULE 2-5 PENALTIES**

Any person who violates any cease and desist order issued by the District pursuant to section 46-707 or any controls or rules or regulations adopted by the NRD relating to the management area shall be subject to penalties imposed through the controls adopted by the District including, but not limited to, having any allocation of water granted or irrigated acres certified by the District reduced

in whole or in part. Notice and hearing shall be provided to such person before the District takes any action. Specific penalties may be identified in rule and regulation for some violations. Any person who violates a cease and desist order issued by the District pursuant to section 46-707 shall be subject to a civil penalty assessed pursuant to section 46-745, Reissue Revised Statutes of Nebraska.

### **RULE 2-6 ACCESS**

- 2-6.1 The District shall have the power and authority to enter upon the land, after notification to the landowner, for any and all reasons relative to the administration of the ground water management area, and provisions of the Ground Water Management and Protection Act. This entry shall not be considered trespass.
- 2-6.2 Notification may be accomplished by regular mail, certified mail or by oral communication.
- 2-6.3 The District hereby notifies all operators of its intent to enter onto property, to verify the installation of flow meters or other devices and to read or verify the readings of flow meters or other devices used to measure the quantity of ground water used for irrigation. This process will take place between October 1 and December 31 each year.

## **CHAPTER 3 – DEFINITIONS**

### **RULE 3-1 DEFINITIONS**

- 3-1.1 Abandoned Well: means any water well, the use of which has been accomplished or permanently discontinued, which has been decommissioned as described in the rules and regulations of the Nebraska Department of Health and Human Services Regulation and Licensure, and a notice of abandonment has been filed with the Department of Natural Resources.
- 3-1.2 Act: The Nebraska Ground Water Management and Protection Act.
- 3-1.3 Additional Water Administration Year: When water is needed for diversion at Guide Rock and the projected or actual irrigation supply is less than 130,000 acre feet of storage available for use in Harlan County Lake.
- 3-1.4 Allocation: As it relates to water use for irrigation purposes, means the allotment of a specified total number of acre-inches of irrigation water per certified irrigated acre per year or an average number of acre-inches of irrigation water per certified irrigated acre over any reasonable period of time. As it relates to other purposes, the allotment of a determined quantity of ground water.
- 3-1.5 Animal Unit: A unit of measurement for any livestock operation. For each type of livestock identified below, the number of animal units shall be the number of livestock in the livestock operation times the multiplier following that livestock type.

Slaughter/Feeder Cattle	1.0	Cow/calf pair	1.2
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Dairy Cow	1.4	Swine >55 lbs	0.4
Swine <55 lbs	0.05	Horse	2.0
Chickens	0.01	Sheep	0.1

- 3-1.6 Backup Well: Used in conjunction with a livestock operation well or an industrial well. A backup well cannot be used at the same time as the primary well or wells. A backup well is not subject to the increased spacing requirements of the District.
- 3-1.7 Base Allocation: This amount, in acre-inches, is derived from dividing the allocation by the base allocation period.
- 3-1.8 Base Allocation Period: This is the number of years that an allocation can be used.
- 3-1.9 Board: The elected Board of Directors of the Middle Republican Natural Resources District.
- 3-1.10 Bonus Inches: An additional allocation granted by the approval of the Board only after yearly compliance following the 2006 crop year.
- 3-1.11 Certification: The process whereby the annual use of ground water for a regulated well is reported to and verified by the District.
- 3-1.12 Certified Use: any use of ground water in accordance with Rule 4-6.
- 3-1.13 Certified Irrigated Acre: Any acre that is certified as such pursuant to the rules and regulations of the District and that is actually capable of being supplied water through irrigation works, mechanisms or facilities existing at the time of allocation.
- 3-1.14 Confined Livestock Operation: shall mean totally roofed buildings, which may be open sided or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors or slatted floors over pits or manure collection areas in pens, stalls or cages, with or without bedding materials and mechanical ventilations.
- 3-1.15 Consecutive Water Short Years: Shall mean the need for additional action if a water short year has been designated for at least two consecutive years and Nebraska was not in yearly compliance during those years. The second consecutive year of water short year designation.
- 3-1.16 Consumptive Use: is that amount of water that is consumed under appropriate and reasonably efficient practices to accomplish without waste the purposes for which the appropriation or other legally permitted use are lawfully made.
- 3-1.17 Critical Unit(s): An area(s) designated by the District where circumstances require additional controls.
- 3-1.18 Cumulative Allocation : Base allocation times allocation period
- 3-1.19 Dewatering Well: shall mean a water well constructed for the purpose of temporarily lowering the ground water surface elevation.
- 3-1.20 District, NRD, MRNRD: The Middle Republican Natural Resources District.
- 3-1.21 Flow Meter: a device, approved by the District, to measure the quantity of ground water pumped, withdrawn, or taken from a water well.



- 3-1.22 Good Cause Shown: shall mean a reasonable justification for granting a variance to consumptively use water that would otherwise be prohibited by rule or regulation and which the District reasonably and in good faith believes will provide an economic, environmental, social or public health and safety benefit that is equal to or greater than the benefit resulting from the prohibition from which a variance is sought.
- 3-1.23 Ground Water: shall mean that water which occurs in or moves, seeps, filters, or percolates through the ground under the surface of the land.
- 3-1.24 Historic Consumptive Use: is that amount of water that has previously been consumed under appropriate and reasonably efficient practices to accomplish without waste the purposes for which the appropriation or other legally permitted use was lawfully made.
- 3-1.25 History of Use: as used in these rules shall mean the exercise of a certified use in four (4) of the previous six (6) years.
- 3-1.26 Illegal Water Well: (a) any water well operated or constructed without or in violation of a permit required by the Act, (b) any water well not in compliance with rules and regulations adopted and promulgated pursuant to the Act, (c) any water well not properly registered in accordance with sections 46-602 to 46-604, (d) any water well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted and promulgated pursuant to such laws.
- 3-1.27 Inactive Status Well: shall mean a water well that is not currently in use, but is in a good state of repair and for which the owner has provided evidence of intent for future use by maintaining the water well in a manner which meets the following requirements: (1) the water well does not allow impairment of the water quality in the water well or of the ground water encountered by the water well; (2) the top of the water well or water well casing has a water-tight welded or threaded cover or some other water-tight means to prevent its removal without the use of equipment or tools to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes or contaminants into the water well; and (3) the water well is marked so as to be easily visible and located and is labeled or otherwise marked as to be easily identified as a water well and the area surrounding the water well is kept clear of brush, debris, and waste material. An inactive status water well shall be registered as such in the well registration records of the Nebraska Department of Natural Resources.
- 3-1.28 Incentive Program: shall mean a program that may require agreements or covenants concerning the use of land or water as necessary to produce the benefits for which the program is established.
- 3-1.29 Industrial Well: shall mean a water well the purpose of which includes but is not limited to; manufacturing, commercial and power generation uses of water. Commercial includes, but is not limited to, maintenance of the turf of a golf course.

- 3-1.30 Late Permit: shall mean a permit applied for after construction has commenced on a regulated water well pursuant to section 46-735.
- 3-1.31 Livestock Operation: shall mean the feeding or holding of livestock in buildings, lots or pens which are not used for growing of crops or vegetation, but does not include the holding of cattle in calving operations for less than ninety (90) days per year.
- 3-1.32 Livestock Operation Well: A regulated well providing for the watering of animals in a "livestock operation" or "confined livestock operation" and for which a livestock waste control facility permitted by the Nebraska Department of Environmental Quality is required.
- 3-1.33 Livestock Well: A water well not classified as a livestock operation well but which is used for the watering of (1) livestock, poultry, farm and domestic animals used in operating a farm or (2) domestic livestock as related to normal farm and ranch operations or (3) range livestock or stock use on a farm or ranch.
- 3-1.34 Operator: The person who controls the day-to-day operation of the water well.
- 3-1.35 Permit to Construct a Well: shall mean a document that must be obtained from the District in accordance with Rule 4-2 before construction of a regulated well water well may be commenced in the management area pursuant to section 46-735.
- 3-1.36 Person: A natural person, a partnership, a limited liability company, an association, a corporation, a municipality, an irrigation district, an agency or a political subdivision of the state, or a department, an agency, or a bureau of the United States.
- 3-1.37 Platte Sub Area: That portion of the Middle Republican NRD that is located outside the boundaries of the Republican River Basin as delineated for the Republican River Compact.
- 3-1.38 Primary Well: when used with regard to livestock operation or industrial wells, shall mean the well or wells used for the certified use on a daily or other routine basis.
- 3-1.39 Public Water System: a system for providing the public with water for human consumption, as further defined in Title 179 Chapter 2.
- 3-1.40 Quick Response Sub Area: That area included in the area delineated by the Department of Natural Resources and shown on Map 1.
- 3-1.41 Quick Response Wells: Those wells located in or serving acres in the Quick Response Sub Area.
- 3-1.42 Reduction of Acres: A uniform percentage reduction of each landowners irrigated acres. Such uniform reduction may be adjusted for each landowner based upon crops grown on his or her land to reflect the varying consumptive requirements between crops.
- 3-1.43 Regulated Well: A water well designed and constructed to pump more than fifty (50) gallons per minute. A series of water wells, with a combined discharge of more than fifty (50) gallons per minute, of which the water is commingled, combined, clustered or joined as a single unit

for a single purpose shall be considered as one regulated well.  
(12/01/2006)

- 3-1.44 Replacement Well: In accordance with Nebraska Statute NRRS 46-602(2)(a).
- 3-1.45 Reserve: That part of an allocation that is unused during the base allocation period.
- 3-1.46 Supplemental Well: A regulated well that provides supplemental ground water to acres that are normally irrigated by surface water. Annual use is not a requirement to be considered a supplemental well.
- 3-1.47 Transfer Permit: shall mean a document that must be obtained from the District in accordance with Rule 5 whereby the point of use, type of use or rules governing the use of ground water is exchanged or moved.
- 3-1.48 Test Hole: shall mean a hole designed solely for the purpose of obtaining information on hydrologic or geologic conditions.
- 3-1.49 Unregulated Well: a water well designed and constructed to pump fifty (50) gallons per minute or less and is not commingled, combined, clustered or joined with other water wells.
- 3-1.50 Unused / Seldom Used Well: a water well that has not been placed in inactive status but is used less than one (1) year in three (3).
- 3-1.51 Upland Sub Area: That area of the District not delineated as the Quick Response Sub Area or the Platte Sub Area.
- 3-1.52 Variance: approval to act in a manner contrary to existing rule or regulation from a governing body whose rule or regulation is otherwise applicable.
- 3-1.53 Water Short Year Administration: will be in effect in those years in which the projected or actual irrigation supply is less than 119,000 acre feet of storage available for use from Harlan County Lake.
- 3-1.54 Water Well: In accordance with Nebraska Statute 46-601.01.
- 3-1.55 Wellhead Protection Area: A delineated area around a public water supply well or wells, used for human needs, representing the thresholds based on time of travel of ground water toward the public water supply well or wells.

## **CHAPTER 4 – GENERAL MANAGEMENT**

### **RULE 4-1 MORATORIUM**

- 4-1.1 The District finds that the use of hydrologically connected ground water and surface water resources is contributing to conflicts between ground water and surface water users and to disputes over the Republican River Compact. The District hereby closes all of the management area, as defined in Rule 1-1, to the issuance of new permits for regulated wells except as provided in 4-1.2.
- 4-1.2 Replacement wells, backup wells as defined in 3-1.6, are not subject to the moratorium.

### **RULE 4-2 PERMIT TO CONSTRUCT A WATER WELL**

- 4-2.1 Except as provided in Rule 4-2.3 any person who intends to construct a regulated water well on land in the management area which he or she owns or controls shall, before commencing construction, apply with the District for a permit on a form provided by the District. The District shall review such applications and issue the approved permit, with or without conditions, or deny the permit within thirty (30) days after the application is properly prepared and received. An incomplete or defective application shall be returned for correction. If correction is not made within sixty (60) days the application shall be cancelled.
- 4-2.2 Applications for a permit to construct a water well that require consideration of a variance request shall not be deemed as properly filed and complete until such time as the Board has acted to approve the variance request.
- 4-2.3 Exceptions. No permit shall be required for:
- 4-2.3.1 Test holes
  - 4-2.3.2 Dewatering wells with an intended use of ninety (90) days or less.
  - 4-2.3.3 A single water well designed and constructed to pump fifty (50) gallons per minute or less.
- 4-2.4 A permit is required for a water well designed and constructed to pump fifty (50) gallons per minute or less if such water is commingled, combined, clustered, or joined with any other water well or wells or other water source, other than a water source used to water range livestock. Such wells shall be considered one (1) well and the combined capacity shall be used as the rated capacity.
- 4-2.5 A person shall apply for a permit before he or she modifies a water well, for which a permit was not required when the well was constructed, into one for which a permit would otherwise be required.
- 4-2.6 The application shall be accompanied by a \$50.00 filing fee payable to the District and shall contain:
- 4-2.6.1 The name and post office address of the well owner,
  - 4-2.6.2 The nature of the proposed use,

- 4-2.6.3 The intended location of the proposed water well or other means of obtaining ground water,
- 4-2.6.4 The intended size, type and description of the proposed water well and the estimated depth, if known,
- 4-2.6.5 The estimated capacity in gallons per minute,
- 4-2.6.6 The acreage and location by legal description of the land involved if the intended use is for irrigation,
- 4-2.6.7 A description of the proposed use if other than irrigation,
- 4-2.6.8 The registration number of the well being replaced, if applicable,
- 4-2.6.9 The certified use of the well being replaced, if applicable,
- 4-2.6.10 The historic consumptive use of the well being replaced, if applicable, and
- 4-2.6.11 Such other information as the District may require.
- 4-2.7 Any person who has failed or in the future fails to obtain a permit before construction is commenced shall make application for a late permit on forms provided by the District.
- 4-2.8 The application for a late permit shall be accompanied by a \$250.00 fee payable to the District and shall contain the same information required in Rule 4-2.6.
- 4-2.9 An application for a new regulated well with an intended consumptive use of more than three hundred (300) acre feet over a twelve (12) month period requires, in addition to the information required by 4-2.6, the following information:
  - 4-2.9.1 The availability to the applicant of alternative sources of surface or ground water,
  - 4-2.9.2 Any negative effect of the proposed withdrawal on ground water and surface water supplies needed to meet present or reasonable future demands for water in the intended area of withdrawal within the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement,
  - 4-2.9.3 Any adverse environmental effect of the proposed withdrawal, and
  - 4-2.9.4 The cumulative effect of the proposed withdrawal relative to the matters listed in 4-2.9.1 through 4-2.9.3
- 4-2.10 The application for a permit shall be denied if (1) the location or operation of the proposed water well or other work would conflict with any regulations or controls adopted by the District, (2) the proposed use would not be a beneficial use, or (3) in the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit.
- 4-2.11 No refund of any application fees shall be made regardless of whether the permit is issued, canceled, or denied.
- 4-2.12 The issuance, by the District, of a permit or the registration of a water well with the Nebraska Department of Natural Resources shall not vest in any person the right to violate any District rule, regulation, or control in effect

- on the date of issuance of the permit or the registration of the water well or to violate any rule, regulation, or control properly adopted after such date.
- 4-2.13 The applicant shall commence construction as soon as possible after the date of approval and shall complete construction and equip the water well prior to the date specified in the conditions of approval, which shall not be more than one (1) year from the date of approval, unless it is clearly demonstrated in the application that one (1) year is an insufficient period of time for such construction. Failure to complete the project under the terms of the permit may result in the withdrawal of the permit by the District.

#### **RULE 4-3 WELL SPACING**

- 4-3.1 No regulated well except a backup well shall be constructed upon any land in this District within one thousand three hundred and twenty (1320) feet of any other registered regulated well, regardless of ownership except;
- 4-3.1.1 Any irrigation water well that replaces an irrigation water well which was drilled prior to September 20<sup>th</sup>, 1957, and which is less than six hundred (600) feet from a registered irrigation well may be located closer than one thousand three hundred and twenty (1320) feet from another regulated well if it is drilled within fifty (50) feet of the water well being replaced.
- 4-3.1.2 A replacement well may be constructed less than one thousand three hundred and twenty (1320) feet from another registered regulated water well, if it is constructed within one hundred (100) feet of the water well it replaces or is relocated no closer than the well it replaces to other wells and if such replaced water well was, when constructed, in compliance with all applicable laws, rules and regulations.
- 4-3.2 The well spacing required by Rule 4-3.1 shall also apply to the distance between a proposed new regulated well and an unregistered regulated water well but only for a period of sixty (60) days to allow for registration of such unregistered water well.

#### **Rule 4-4 FLOW METERS**

- 4-4.1 Flow meters meeting accuracy specifications established in Rule 4-4.2 shall be installed on all regulated wells by the end of the year 2004 except,
- 4-4.1.1 For a well with a pumping capacity of less than two hundred and fifty (250) gallons per minute, an alternative measuring device or method, approved by the District, with an accuracy of plus or minus five (5) percent of the actual water flow, may be used.
- 4-4.1.2 Before any inactive wells are placed in service, a flow meter shall be installed, the District shall be notified of the well's status change, and the status of the well in the well registration records of the Department of Natural Resources shall be updated to

reflect its active status. No such well shall be operated thereafter without a properly installed and operational flow meter.

- 4-4.2 All meters shall be tested for accuracy using recognized industry testing methods and certified by the manufacturer according to those standards. At any rate of flow within the normal flow limits, the meter, except as noted in Rule 4-4.1.1, shall register not less than ninety eight (98) percent or more than one hundred and two (102) percent of the water actually passing through the meter. All meters shall have a register or totalizer and shall read in U. S. gallons, acre-feet or acre-inches.
- 4-4.3 Installation – The operator shall, on forms provided by the District, report the location, by legal description, and certify the proper installation of flow meters. The District may, at a time of its own choosing, verify the location and proper installation of flow meters. The proper installation of a meter is such that it meets the manufacturer's specifications and/or more restrictive specifications developed by the District.
- 4-4.3.1 In no case may a meter be installed with less than five (5) unobstructed pipe diameters upstream of the meter or less than one (1) unobstructed pipe diameter downstream of the meter.
- 4-4.3.2 If the meter is installed downstream of a mainline check valve, there must be at least ten (10) pipe diameters upstream of the meter. If there are not at least ten (10) pipe diameters upstream of the meter, straightening vanes must be installed.
- 4-4.3.3 Meters must be located so as to prevent damage to the meter from excessive vibration.
- 4-4.3.4 Meters must be installed so that the removal of the meter for service or maintenance can be performed with the use of normal tools and does not require excessive or unusual removal of hardware or other appurtenances.
- 4-4.3.5 The District may establish a method by which the installed meter is tagged, sealed, marked or otherwise protected from tampering.
- 4-4.3.6 New installations or changes to the location of currently installed meters shall be permanent and shall be mounted no higher than six feet above ground level. (10/3/2006)
- 4-4.3.7 Electronic meters or any meter with a digital readout must have an uninterruptible power supply. (10/03/2006)
- 4-4.4 Improperly Installed Meters – The installation of meters that do not meet manufacturers' or District standards must be corrected. Failure to provide for proper installation will result in the loss of allocation for the next crop year.
- 4-4.5 Inoperative Meters – Landowners shall notify the District of an inoperative meter within one (1) working day from the time the defect is noted. The District will repair or temporarily replace the inoperative meter and charge the well owner for the service. Failure to report inoperative meters will result in the loss of allocation for the next crop year.

- 4-4.6 Tampering with an installed flow meter – Following a hearing before the Board, if it is found that tampering so as to affect the accuracy or true use of the meter has occurred, the District shall withhold the allocation for the next crop year and may prorate the allocation for the current year.
- 4-4.7 Service – It is the responsibility of the operator to provide for service and maintain the flow meter according to either the manufacturer's standards or more restrictive standards developed by the District. The operator may grant permission for this service to be provided by the District, at a cost to the operator. The District may enter onto property to provide this service. This service will be provided in the off-season and will not interfere with the normal operation of the meter or the well.
- 4-4.8 The District may establish a spot check program to inspect the serviceability and verify use of a meter. The District may correct discrepancies noted at the time of the inspection. Discrepancies that require the repair of a meter may be performed by the District, at a cost to the well owner, with the permission of the well owner.
- 4-4.9 The district may require that meters that have been repaired two out of the last five years for vibration damage or more frequently to be moved to a location where vibration damage is minimal or modifications are made to the meter register that are more resistant to vibration damage. (10/03/2006)
- 4-4.10 By the beginning of the 2008 crop year all meters shall be permanently mounted in the irrigation distribution system. (10/03/2006)
- 4-4.11 Challenges of usage readings require that the landowner provide sufficient evidence to substantiate their claim. For electric wells power records may serve this purpose. (10/03/2006)

#### **RULE 4-5 REPORTS**

- 4-5.1 Each operator of a regulated well, other than an irrigation well, shall report, on forms provided by the District, by January 15 of each year, the total water withdrawn from that well during the preceding calendar year and the nature of the use of that water.
- 4-5.2 Failure to provide this report shall result in the loss of allocation for the next crop year or current year, in the case of a regulated well other than an irrigation well.
- 4-5.3 In order to ensure compliance with the Republican River Compact Accounting procedures, additional information may be required in reports from operators.

#### **RULE 4-6 CERTIFICATION**

- 4-6.1 After June 1, 2004 for irrigation wells, and December 1, 2004 for wells used for other than irrigation purposes, no regulated well shall be operated until its use is certified and approved by the Board pursuant to these rules and regulations.
- 4-6.2 Any operator aggrieved by a determination of the Board regarding approval of certification of irrigated acres or of non-irrigation uses may



request a hearing before the Board for the purpose of reconsidering that determination. Such request shall be filed on a form provided by the District within thirty (30) days of the Board's action on the certification. Such hearing shall be a formal adjudicatory hearing and shall be conducted in accordance with the District's Rules and Regulations for the Enforcement of the Ground Water Management and Protection Act. The burden of proof shall be on the person requesting the hearing to document that the Board's decision should be modified.

4-6.3 The Board shall review each certification for all uses no less often than every five (5) years. Errors or inconsistencies discovered during that review shall be resolved to the satisfaction of the Board before any new allocation is made to the previously certified uses. Following notice and a hearing, the Board may rescind any previously approved certification and any previously granted allocation to a well for which false or misleading information was used to obtain the certification required by Rule 4-6.5 or 4-6.14.

4-6.4 Any change in farming operation or ownership that would result in a change in the number or location of certified irrigated acres shall be reported to the District no later than December 31 of the calendar year in which the change occurred. Any change in use of a regulated well used for purposes other than irrigation that would result in a change in that well's certification shall be reported to the District no later than December 31 of the calendar year in which the change occurred. The Board may reject such changes if it finds that such changes would cause an increase in Nebraska's consumptive use as calculated pursuant to the Republican River Compact or would have detrimental effects on other ground water users or on surface water appropriators.

### IRRIGATION USES

4-6.5 No later than January 1, 2004 each owner or operator of a regulated irrigation well shall certify (1) the well registration number for that well, (2) the number and location of all acres irrigated at least once by that well between January 1, 1993 and December 31, 2002, (3) the maximum number of acres irrigated by that well in any one (1) year within that time period, (4) the number and location of all acres irrigated by that well in 2003. Such certification shall be on forms provided by the District and shall be accompanied by applicable records from the Farm Service Agency and/or the County Assessor and such other information as requested by the District to verify the information certified.

4-6.6 By the beginning of the 2008 crop year all ground water irrigated acres certified with the district must be taxed as irrigated acres by the County Assessor. Acres not assessed as irrigated will not receive an allocation. Certified acres currently enrolled in the Conservation reserve Program may be an exception to this rule. (10/03/2006)

- 4-6.7 The Board may take action to approve, modify and approve, or reject the certifications provided by owners and/or operators pursuant to Rule 4-6.5. The number and location of certified irrigated acres, which shall be approved for each such irrigation well, shall be determined at a public meeting of the Board after consideration of the following:
- The information provided on and with the certification filed in accordance with Rule 4-6.5,
  - Any water use reports for that well filed in accordance with Rule 4-5,
  - U.S.D.A. Farm Service Agency records,
  - County Assessor records,
  - Aerial photographs, and
  - Other information available to and deemed relevant by the Board.
- 4-6.8 Only those acres that are actually capable of being supplied with ground water through irrigation works, mechanisms or facilities existing at the time of certification may be approved as certified acres by the Board.
- 4-6.9 An irrigation well constructed before June 12, 2002 but not registered until after December 31, 2003, shall be approved for no more than (1) its proven record of use or (2) one hundred and sixty (160) certified irrigated acres.
- 4-6.10 Replacement irrigation wells constructed after May 19, 2003 shall be approved for no more certified acres than the certified use for the well being replaced.
- 4-6.11 After January 1, 2004, with the prior approval of the Board, an irrigation well that was constructed prior to June 12, 2002 but has not yet been used for irrigation, is in inactive status or is unused may be granted certified acres. That approval may be granted only upon the written request of the well owner and when the Board has determined (1) that the well is in compliance with all applicable rules and regulations of the District (2) the location and number of acres proposed to be irrigated by that well in the future will be limited to no more than one hundred and sixty (160) acres, the acres that the well is capable of serving or the certified use being replaced. This certified use includes supplementing existing surface water irrigated acres or replacing the use of active wells on certified irrigated acres.
- 4-6.12 If certification is not filed pursuant to Rule 4-6.5 to 4-6.10 for an irrigation well constructed prior to January 1, 2004, the well shall be an "illegal water well" as that term is defined in District Rule 3-1.24.
- 4-6.13 The Board shall not certify any irrigated acres for an illegal water well, as that term is defined in District Rule 3-1.24, and an illegal water well shall receive no future allocation of water until such certification has been filed and until the Board has approved or modified and approved that certification. Certification of acres can be approved for any such well if and when the deficiency that caused that well to be an illegal water well is corrected.

- 4-6.14 The number of acres that may be certified and approved for a well from which the water is applied to the crop through a sprinkler system may be up to five (5) percent greater than the actual area planted to crops if there are non-cropped areas under the sprinkler system.

### NON-IRRIGATION USES

- 4-6.15 No later than September 1, 2004, each owner or operator of a regulated well used for purposes other than irrigation shall certify (1) the well registration number for that well, (2) the nature and location of the use of the water withdrawn from that well, (3) the measured or estimated average annual quantity of water withdrawn from that well between January 1, 1993 and December 31, 2002 and a description of the method used to determine that quantity, (4) the measured or estimated maximum quantity withdrawn from that well in any one (1) year during that time period, (5) the measured or estimated quantity of water withdrawn from that well in 2003, (6) if the well was constructed before June 12, 2002 but has not yet been used for its intended purpose, the quantity of water proposed to be withdrawn from that well in the future, (7) if the well is a replacement well constructed after January 1, 2003, the information required by items (1) through (5) above for the well replaced, (8) if the well was constructed after June 12, 2002, the quantity withdrawn in 2003 and the quantity of water proposed to be withdrawn from that well in the future, and (9) if the owner or operator of the well desires that the annual quantity of use to be certified for that well be in excess of the quantity historically withdrawn by that well, the quantity proposed and an explanation why that quantity is necessary to accomplish the purpose for which the well is used. Such certification shall be on forms provided by the District and shall be accompanied by such information as requested by the District to verify the information certified.
- 4-6.16 No later than November 1, 2004, the Board shall take action to approve, modify and approve, or reject the certifications provided by the owners and/or operators of non-irrigation wells pursuant to Rule 4-6.14. Such action shall be taken after reviewing the information provided by the owner or operator of the well and any other information available to and deemed relevant by the Board. The Board's approval of the certification for such a well shall not, by itself, limit the quantity of water that can be withdrawn by that well in 2005 or any subsequent year. Any such limitations on the quantity that can be withdrawn annually from that well will be imposed through the Board's allocation of water to that well pursuant to the District's rules and regulations. The Board may use the information provided through such certification if and when it determines the amount to be allocated to that well.
- 4-6.17 Only those non-irrigation uses that are actually capable of being supplied with ground water through works, mechanisms or facilities existing at the time of certification may be approved as certified uses by the Board.

- 4-6.18 If no certification is filed pursuant to Rule 4-6.14 for a regulated well constructed prior to September 1, 2004, and used for other than irrigation purposes, that well shall not be used and shall not receive an allocation from the District until such certification has been filed with the District and approved by the Board.
- 4-6.19 Certification shall not be approved by the Board for any regulated non-irrigation well, which is an "illegal water well" as that term is defined by Rule 3-1.24 of the District's rules and regulations. The Board can approve such certification if and when the deficiency that caused the well to be an illegal water well is corrected.
- 4-6.20 Certification of use for an inactive status or unused non-irrigation well will be approved only when that well is returned to active status, has been registered as such with the Department of Natural Resources, and is in compliance with all applicable rules and regulations of the District.

#### **RULE 4-7 WATER SHORT YEAR ADMINISTRATION**

- 4-7.1 No later than October 1, 2005 and October 1 of each following year the Department of Natural Resources will notify the District of the potential for Water Short Year administration. Notification of updates to such determinations will be provided monthly, or more often as requested, through the following June 30<sup>th</sup> at which time the final determination will be made.
- 4-7.2 Upon receiving notice of the potential designation of a Water Short Year, the District shall provide notice to irrigators of this designation by placing said notice on the District website.
- 4-7.3 Consecutive Water Short Years may require additional reductions in certified acres or reductions in the base allocation.
- 4-7.4 Beginning with the 2007 crop year, consecutive Water Short year designations may result in the reduction of the cumulative allocation, for irrigation uses, by one (1) inch for each year remaining in the base allocation period. This reduction shall not apply to a Water Short year in which the State of Nebraska is within its yearly allocation. Producers with certified irrigated acres will be notified of this reduction by notices published in newspapers of general circulation in the district.
- 4-7.5 Following the designation of a consecutive Water Short Year, the Board may adopt additional measures as needed to maintain compliance with the Republican River Compact.
- 4-7.6 Additional measures needed in a Water Short Year may be mitigated, at the discretion of the Board, by the active participation in incentive programs, river flow enhancement projects or other projects designed to reduce consumptive use.

#### **RULE 4-8 INCENTIVE PROGRAM**

- 4-8.1 Unless permitted by the rules and regulations established by individual incentive programs, no certified acres may be enrolled in incentive programs or special initiatives sponsored by or funded by the District if

such certified acres do not have a history of use in four (4) of the previous six (6) years.

- 4-8.2 These incentive programs may include any Federal, State, or Local programs that have the effect of reducing the MRNRD's overall consumptive use. Subject to State law, the MRNRD may also raise those funds necessary to provide the districts share of payments in incentive programs it utilizes. If sufficient irrigated acres are retired, through the use of incentive programs, above what is needed to meet the requirements of the Republican River Compact, the MRNRD may re-evaluate and alter the allocation previously set per irrigated acre.
- 4-8.3 The district incentive programs may provide for the temporary or permanent retirement of certified ground water irrigated acres. (10/03/2006)
- 4-8.4 Guidelines for incentive programs shall be established by the district or in cooperation with other agencies participating in the incentive program. (10/03/2006)

#### **Rule 4-9 Pooling**

- 4-9.1 Wells operated by two or more persons may be pooled by completing a pooling agreement provided by the district and only with approval of the board or designated representative.

## **CHAPTER 5 – MANAGEMENT OF USES**

### **RULE 5-1 TRANSFERS- PERMITS GENERAL**

- 5-1.1 Any person who intends to withdraw ground water and (a) transfer that ground water off the overlying land which he or she owns or controls or (b) otherwise change the location of use of ground water shall, before making such transfer, apply for a permit on forms provided by the District *or as required by statute*.
- 5-1.2 Requests for a transfer that require a permit which falls under the authority of the Nebraska Department of Natural Resources, including the Municipal and Rural Domestic Ground Water Transfers Permit Act and the Industrial Ground Water Regulatory Act, will not be considered for action by the district until such time as the permits are approved by NDNR.
- 5-1.3 The MRNRD shall approve the withdrawal and transport of ground water when a public water supplier providing water for municipal purposes receives a permit from the Nebraska Department of Natural Resources pursuant to the Municipal and Rural Domestic Ground Water Transfers Permit Act.
- 5-1.4 Applicants for permits or approval for transfer pursuant to the Industrial Ground Water Regulatory Act are not required to apply for a transfer permit from the District.
- 5-1.5 Issuance of the permit shall be conditioned on the applicant's compliance with the rules and regulations of the District from which the water is withdrawn.
- 5-1.6 The applicant shall be required to provide access to his or her property at reasonable times for purposes of inspection by officials of the District.
- 5-1.7 All applications for a transfer permit under the authority of the district shall be made on forms provided by the district and shall be approved, denied or conditioned by the Board.
- 5-1.8 The application for a transfer permit shall be denied or conditioned to the extent that it is necessary to (1) ensure the consistency of the transfer with the purpose or purposes for which the management area was designated, (2) prevent adverse effects on other ground water users or on surface water appropriators, (3) maintain compliance with the Republican River Compact, and (4) otherwise protect the public interest and prevent detriment to the public welfare.
- 5-1.9 The application for a transfer permit also shall be denied if (1) the location or operation of the proposed water well or other works would conflict with any regulations or controls adopted by the District or (2) the proposed use would not be a beneficial use.
- 5-1.10 The District may further limit the allocation upon transfer of use if the use is between sub areas with different allocations.
- 5-1.11 Transfer of use or permanent transfer may be made within sub areas, from the Quick Response Sub Area to the Upland Sub Area, and out of a critical unit.

- 5-1.12 The District may deny a request for transfer based on the rate of decline in the area into which the transfer will be used. District statistics and Ground Water Level Change maps from the Conservation and Survey Division of the University of Nebraska may be used for a reference of areas of decline. (10/03/2006)
- 5-1.13 The District may limit the allocation to the consumptive use associated with the certified use if the transfer is to a different preference use.
- 5-1.14 All requests for a transfer shall be made in accordance with Rule 5-1.
- 5-1.15 All requests for a transfer shall show a history of use.
- 5-1.16 The issuance, by the District, of a transfer permit shall not vest in any person the right to violate any District rule, regulation, or control in effect on the date of issuance of the permit or to violate any rule, regulation, or control properly adopted after such date.
- 5-1.17 The issuance, by the District, of a transfer permit shall not vest in any person the right to violate any statute, state agency or other jurisdictional agency's rule, regulation, or control in effect on the date of issuance of the permit or to violate any rule, regulation, or control properly adopted after such date. It is the responsibility of the applicant to ensure compliance with other rules and regulations.
- 5-1.18 The District shall review such applications and issue, with or without conditions, or deny the permit within thirty (30) days after the application is properly filed. An incomplete or defective application shall be returned for correction. If correction is not made within sixty (60) days the application shall be cancelled.

#### **RULE 5-2 TRANSFERS- TYPES and PERMIT REQUIREMENTS**

- 5-2.1 Transfers out of the District. Any person who desires to withdraw ground water from wells located within the District and transport that ground water out of the District for use elsewhere in the State may do so after obtaining a transfer permit in accordance with Rule 5-3. Use of the withdrawn water must be approved by the District within which the water will be used. Ground water shall not be transferred or transported to lands outside of the boundaries of the Republican River Basin as defined in the Republican River Compact.
- 5-2.2 Transfers into the District. Ground water withdrawn outside the District shall not be transported for use inside the District unless the District from which the ground water is withdrawn approves the withdrawal and transport in advance. Use of the transported water must be in accordance with these rules.
- 5-2.3 Transfer out of State. Requests for transfer of ground water out of state pursuant to NRRS Section 46-613.01 shall not be acted upon by the District until such time as the approval or denial, by the Nebraska Department of Natural Resources, of the required transfer permit.
- 5-2.4 Transfer of Use. A portion or all of the base allocation may be transferred to another user for the same or another use. Only the accumulated unused portion of a base allocation can be transferred. If an allocation

had been completely used, no transfer of use would be available until the next allocation period. Reserve associated with the allocation or portion thereof may also be transferred. Bonus inches may not be transferred.

5-2.4.1 If the transfer of use is for the entire base allocation, the well from which the use was transferred cannot be used during the period of time covered by the transfer. The well must be configured to prevent the possibility of contamination of the ground water.

5-2.4.2 After January 1, 2008, the transfers of use will not be accepted after October 15<sup>th</sup> in the final year of an allocation period.

5-2.5 Permanent Transfer. A permanent transfer may be accomplished by decommissioning a well and discontinuing its certified use and transferring the right to that use to another owner or new location on property owned by the same landowner. The new well shall be limited to the quantity of the allocation associated with the certified use from the well being replaced. (10/03/2006)

5-2.5.1 If the well for which the use is being permanently transferred is part of a series, or a well that is commingled, combined, clustered or joined with other water wells, then only that pro rata portion of the allocation is transferred.

5-2.6 Permanent Transfer of Acres. A landowner may permanently transfer a portion of his certified acres to another party. This transfer shall not result in an increase in total certified acres. The district may limit this transfer according to rules 5-2.7 through 5-2.13 and the capability of the wells involved to pump water to the acres transferred. (10/03/2006)

5-2.7 The allocation for any use is associated with the certification of that use. The right to use the allocation shall be surrendered with a transfer of use or a permanent transfer. The new user would be limited to the quantity of allocation associated with the certified use and would be subject to the same restrictions on volume of use as the original allocation. A portion of the allocation for a municipal use may be transferred to another use. The amount transferred would be deducted from the municipal allocation.

5-2.8 The District may further limit the allocation, upon transfer of use, if the use is between sub areas with different allocations.

5-2.9 Transfer of use or permanent transfer may be made within sub areas, from the Quick Response Sub Area to the Upland Sub Area, and out of a critical unit.

5-2.10 The District may deny a request for transfer based on the rate of decline in the area into which the transfer will be used. District statistics and Ground Water Level Change maps from the Conservation and Survey Division of the University of Nebraska may be used for a reference of areas of decline. (10/03/2006)

5-2.11 If the transfer is to a different preference of use, the District may limit the allocation to the consumptive use associated with the certified use that is being transferred.

5-2.12 All requests for a transfer shall be made in accordance with Rule 5-1.



5-2.13 All requests for a transfer shall show a history of use.

5-2.14 n application for a permit to transfer shall be made on forms provided by the district and shall contain the following information:

- 5-2.14.1 The name and post office address of the well owners for the point of withdrawal and the point of transfer,
- 5-2.14.2 The point of withdrawal,
- 5-2.14.3 The point of transfer,
- 5-2.14.4 The registration number of the water well(s) involved,
- 5-2.14.5 If for irrigated use, the certified acres of the water well(s) involved,
- 5-2.14.6 The capacity of the well from which the transfer is made,
- 5-2.14.7 The nature of the proposed use and whether it is a reasonable and beneficial use of ground water,
- 5-2.14.8 The availability to the applicant of alternative sources of surface or ground water,
- 5-2.14.9 Any negative effect of the proposed withdrawal on ground water and surface water supplies needed to meet present or reasonable future demands within the State or to comply with the Republican River Compact,
- 5-2.14.10 Any adverse environmental effect of the proposed withdrawal or transportation of ground water,
- 5-2.14.11 The cumulative effect of the proposed withdrawal and transfer relative to the matters listed in 5-2.14.2 through 5-2.14.10, and
- 5-2.14.12 Any other factors consistent with the purposes of this section that the District deems relevant to protect the health, safety, and/or welfare of the District and its citizens.

### **RULE 5-3 ALLOCATION**

5-3.1 The use of ground water from all regulated water wells shall be allocated by the District. Allocations will be set after considering: (1) the relationship between wells and surface waters and the impact of well usage on stream flow; (2) whether ground water levels are declining; and (3) such other factors as the Board determines may be relevant to the appropriate amount of water to be withdrawn.

5-3.2 **INDUSTRIAL USES:** Regulated wells for industrial uses shall receive an allocation determined on a case-by-case basis, taking into account the history of use of the wells and the needs of the industry for which the well is used. Additional allocations, up to twenty (20) percent above established use, may be granted for expansion. The industry shall provide notice to the District of its need for additional allocation. Additional

allocations as needed to comply with state or federal rules shall be added to the certified use without penalty to the industry.

- 5-3.3 New industrial uses shall be granted a base consumptive use allocation of 80.65 acre feet per year. (12/01/2006)
- 5-3.3.1 For uses requesting an allocation greater than 80.65 acre feet, the allocation must be approved by the board of directors. The person requesting the allocation shall provide evidence that the allocation requested is no greater than the industry related standard for that type of use.
- 5-3.3.2 The requested allocation shall only be granted upon proof that another certified use, of an equal or greater amount, is permanently retired or transferred in accordance with 5-2.6 through 5-2.13.
- 5-3.3.3 Preapproval, by the board, of an allocation may be requested by an economic development group or similar organization. Allocations approved in this manner are only valid for a period of one year from the date of approval unless the industry begins operation.
- 5-3.3.4 Allocations for industrial wells the use of which come under the authority of the Industrial Ground Water Regulatory Act shall be determined by the amount permitted by the Act.
- 5-3.3.5 In all situations an economic development group or an industry may purchase or otherwise retire an existing allocation and apply that use to there planned development.
- 5-3.4 MUNICIPAL USES – Without further need of application, each municipality shall be granted an annual per capita allocation as shown in Table 1. This allocation for an “average town” is based on the land area of all communities in the District with a public water supply and the base allocation for Upland Sub Area irrigated acres. Municipal uses shall be reviewed at the February Board meeting each year and adjustments for growth shall be computed. The reports as required in Rule 4-5 are necessary to determine overall ground water use in the District. Industrial uses within a municipality ,that exceed the existing municipal allocation, shall be in accordance with 5-3.3, new industrial uses. These industrial uses shall include, but not be limited to, manufacturing, commercial, power generation and maintenance of the turf of a golf course.
- 5-3.5 LIVESTOCK OPERATION WELLS - will be allocated an amount equal to the maximum reasonable quantity of water for livestock and poultry as shown in Table 2.
- 5-3.6 Upon completion by the operator and receipt by the District of the report required by Rule 4-5, allocations for industrial uses, municipal uses and livestock operation uses shall be reviewed annually and adjustments to allocations may be considered at the February Board meeting.
- 5-3.7 IRRIGATION USES

- 5-3.7.1 Base allocation – Twelve (12) inches per year
- 5-3.7.2 Base allocation period – Five (5) years
- 5-3.7.3 Cumulative allocation – 60 inches
- 5-3.7.3.1 Cumulative allocation may be increased by one (1) bonus inch each time the State of Nebraska has maintained yearly compliance the previous two years.
  
- 5-3.7.4 Base certification – One hundred (100) percent of certified irrigated acres
- 5-3.7.5 Allocation Year – January 1<sup>st</sup> to December 31<sup>st</sup>

### PROVISIONS FOR SUB AREAS

5-3.8 **UPLAND SUB AREA** - For the period commencing January 1, 2008 and ending December 31, 2012,

- 5-3.8.1 Allocation: Sixty (60) inches for the entire period
- 5-3.8.2 Maximum Allocation Year use: unrestricted
- 5-3.8.3 Maximum Allocation Year use in Water Short Year: unrestricted subject to any changes made pursuant to Rule 4-7.

5-3.9 **QUICK RESPONSE SUB AREA** - For the period commencing January 1, 2008 and ending December 31, 2012.

- 5-3.9.1 Allocation: Sixty (60) inches for the entire period
- 5-3.9.2 Maximum Allocation Year use: unrestricted
- 5-3.9.3 Maximum Allocation Year use in Water Short Year: unrestricted subject to any changes made pursuant to Rule 4-7.

5-3.10 **PLATTE SUB AREA** - For the period commencing January 1, 2008 and ending December 31, 2012,

- 5-3.10.1 Allocation: unrestricted
- 5-3.10.2 Allocation period: Not applicable
- 5-3.10.3 Base allocation: Not applicable
- 5-3.10.4 Base Certification: One hundred (100) percent of certified irrigated acres
- 5-3.10.5 Maximum yearly use: unrestricted

5-3.11 **SUPPLEMENTAL WELLS** – For the period commencing January 1, 2008 and ending December 31, 2012,

- 5-3.11.1 Allocation: Sixty (60) inches minus the amount of surface water delivered to, transferred from or otherwise available to those acres also irrigated with ground water. (10/03/2006)
- 5-3.11.2 In a Water Short Year, base certification and maximum allocation shall be in accordance with 5-3.8 and 5-3.9 minus the amount of surface water used on those acres also irrigated with ground water. (10/03/2006)

- 5-3.12 PENALTY - If at the end of an allocation period an operator has exceeded his or her allocation, the allocation for the next allocation period shall be reduced by the number of acre inches by which said allocation was exceeded in the prior period for the first three inches of overuse and by twice the number of inches of overuse for the fourth and subsequent inches of overuse.
- 5-3.13 PENALTY – Overuse of the base allocation during a Water Short Year shall result in the reduction of twice the number of acre-inches overused in the next allocation period.
- 5-3.14 An operator must have a positive balance in his or her allocation before using water in any year of an allocation period. The District will notify landowners and/or operators anytime the balance of their allocation goes below zero.
- 5-3.15 For irrigation purposes, if at the end of the allocation period, an operator has consumed less than his or her allocation, he or she may carry the reserve or unused portion forward to the subsequent allocation period. However, the maximum amount of reserve cannot exceed the base allocation of the completed period. Reserve ground water must be used for the same certified acres for which the water was originally allocated, unless approved for transfer pursuant to Rule 5-2.4.
- 5-3.16 Certified irrigated acres participating in the Federal Conservation Reserve Program (CRP), EQIP, prevented planting or similar programs shall not receive an allocation during the term of participation. Certified irrigated acres removed from these programs shall be granted an allocation that is prorated for the remaining years of the allocation period.
- 5-3.17 Supplemental wells shall be reported to the District before an allocation is granted.
- 5-3.18 On or before January 1, 2005, operators of all other regulated water wells for which allocations have not been established by the District shall apply for an allocation and such wells shall not be operated until the District has approved an allocation. The allocation for uses not specifically identified shall be equal to the allocation for irrigated uses as set for the sub area in which the well is located for each one hundred and sixty (160) acres or eighty (80) acre portion thereof under the control of the operator. These acres cannot be certified for other uses or receive another allocation without the consent of the District.
- 5-3.19 The District may review any allocation, rotation or reduction control imposed in a management area and/or sub area and shall adjust allocations, rotations or reductions to accommodate or otherwise reflect findings of such review consistent with the ground water management objectives. Such review shall consider more accurate data or information that was not available at the time of the allocation, rotation or reduction order, designation of a Water Short Year and such other factors as the District deems appropriate.
- 5-3.20 The District may institute formal adjudicatory proceedings or take any other legal action authorized or permitted by law to prohibit further

withdrawal of ground water from any regulated well whenever an operator has exhausted his or her allocation during or before the end of any allocation period or has in any other way violated the amount, limitations, or conditions of his or her allocation or violated any other rules of the District. In the event of such action, no ground water may be withdrawn until the operator has adhered to District rules and regulations.

**RULE 5-4 CRITICAL UNITS**

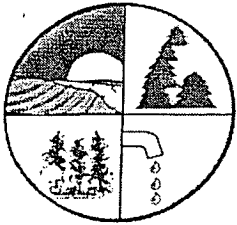
- 5-4.1 SWANSON Critical Unit - That portion of the Quick Response Sub Area west of a north-south line through the centerline of Trenton Dam. (see Map 2)
- 5-4.1.1 Action will not be allowed that would increase the certified acres in this unit.

**RULE 5-5 REDUCTION OF IRRIGATED ACRES**

- 5-5.1 No later than November 15 after the designation of the potential for a Water Short Year, the District will notify operators, by mail, in the appropriate sub areas of the potential requirement to reduce certified ground water irrigated acres pursuant to Rule 4-7.
- 5-5.2 Operators in the Quick Response Sub Area will be required to report, on forms provided by the District, their certified uses, the acres that will be reduced and their proposed uses for the upcoming year.
- 5-5.3 Certified acres with crops requiring ten (10) acre-inches or less of ground water shall not be required to reduce according to Rule 5-5.2.

**RULE 5-6 LIMIT OR PREVENT THE EXPANSION OF NEW ACRES**

- 5-6.1 Beginning on November 17, 2003 and except as provided by Rules 4-6.10 and 5-6.2, no irrigation well may be used to irrigate any acre that was not irrigated with ground water at some time between January 1, 1993 and November 17, 2003.
- 5-6.2 With the prior approval of the Board and completion of the appropriate transfer permit, acres not irrigated with ground water between January 1, 1993 and November 17, 2003, may be irrigated only if the Board determines that irrigation has been or will be discontinued on an equal or greater number of acres that were irrigated with ground water between January 1, 2000 and November 17, 2003. In deciding whether to approve any such proposed substitution of ground water irrigated acres, the Board shall consider the extent to which, if at all, such substitution of acres would adversely affect other ground water users or surface water appropriators or would cause an increase in Nebraska's consumptive use as calculated pursuant to the Republican River Compact.



220 Center Ave.  
PO Box 81  
Curtis, NE 69025

Phone: 800-873-5613  
Fax: 308-367-4285  
Email: [dsmith@mnrnd.org](mailto:dsmith@mnrnd.org)

Middle Republican Natural Resources District

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DATE: July 27, 2007  
TO: Board of Directors  
FROM: Dan Smith  
RE: Natural Resources Committee Hearing

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Just a reminder for anyone who wants to attend the Natural Resources Committee meeting in North Platte, Tuesday July 31<sup>st</sup>, 10 AM at McDonald Belton campus. I have enclosed:

Letter from Senator Loudon

Interim study list - note LR 174, LR 177 and LR 198

Testimony for the three different issues to be heard

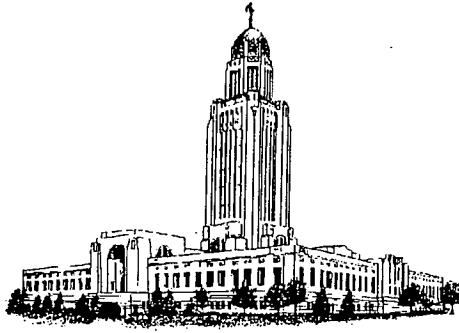
A joint letter responding to the request for activities relating to LB 701.

# Nebraska State Legislature

SENATOR LEROY J. LOUDEN

District 49  
PO Box 25  
Ellsworth, Nebraska 69340

Legislative Address:  
State Capitol  
PO Box 94604  
Lincoln, Nebraska 68509-4604  
(402) 471-2725



## COMMITTEES

Chairperson - Natural Resources  
Nebraska Retirement Systems  
Transportation and Telecommunicati  
Building Maintenance

RECEIVED

JUN 27 2007

June 25, 2007

Jasper Fanning, Manager  
Upper Republican NRD  
PO Box 1140  
Imperial, NE 69033

Michael Clemens, Manager  
Lower Republican NRD  
PO Box 618  
Alma, NE 68920

Dan Smith, Manager  
Middle Republican NRD  
PO Box 81  
Curtis, NE 69025

John Thorburn, Manager  
Tri-Basin NRD  
1308 Second Street  
Holdrege, NE 68949

Dear Jasper, Dan, Mike, and John:

This letter is a request, on behalf of the Natural Resources Committee, for you to attend the interim study committee hearings in North Platte on July 31 to discuss LR 198, LR 174 and LR 177. The hearings will be held at the North Platte Community College, McDonald-Belton Building at 601 West State Farm Road, beginning at 10:00 a.m.

By this letter, we are also requesting that you submit to the Natural Resources Committee a written report on your activities in the Basin regarding implementation of LB 701. We should like to receive this report prior to August 20, 2007.

The committee would also like to ask each of you to attend the hearing in Alma on October 30, 2007 to discuss LR 106 and your report on the implementation of LB 701. We will contact you with the name of the facility where the hearings are going to be held once the arrangements have been finalized.

For your information I have enclosed a copy of the memo that I have sent to all committee members regarding these hearings, and I look forward to seeing you in July in North Platte.

Sincerely,

A handwritten signature in cursive script that reads "LeRoy".

Senator LeRoy Louden, Chairman

cc: Natural Resources Committee members

## 2007 Interim Studies of Interest

Below is a briefly described list of 2007 Interim Study Resolutions which may be of interest to Nebraska Resources District. The complete list of 2007 Resolutions calling for an Interim Study can be found on pages 1675-1686 of the Legislative Journal, 83<sup>rd</sup> Day, May 18, 2007. Ctrl + click to follow this link - <http://uniweb.legislature.ne.gov/FloorDocs/Current/PDF/Journal/r1day83.pdf>.

A full report will be available on the Unicameral website after the session is over.

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- LR 78** – Interim study to examine issues relating to the Open Meetings Act. *Committee:* Government, Military and Veterans Affairs
- LR 94** – Interim study to examine issues relating to the rapid urbanization of the Papillion Creek Watershed. *Committee:* Natural Resources/Urban Affairs
- LR105** – Interim study to examine uranium mining with respect to water consumption in, expansion in, and contracts with the State of Nebraska. *Committee:* Natural Resources
- LR 106** – Interim study to examine the effects of vegetation on river-flow in river basins in Nebraska. *Committee:* Natural Resources/Agriculture
- LR 113** – Interim study to examine issues relating to urban storm water runoff. *Committee:* Natural Resources
- LR 138** – Interim study to examine means of fully cash funding the duties of the Department of Agriculture under the Noxious Weed Control Act. *Committee:* Agriculture
- LR 161** – Interim study to examine the manner in which agencies of state government are providing public notice of their intent to adopt, amend, or repeal a rule or regulation under the Administrative Procedure Act. *Committee:* Government, Military and Veterans Affairs
- LR 174** – Interim study to examine coordination between natural resources districts, state agencies, and state and federal government with respect to surface water flows during times of great need. *Committee:* Natural Resources
- LR 175** – Interim study to examine every major river and stream in Nebraska with respect to stream flow. *Committee:* Natural Resources
- LR 176** – Interim study to examine and identify areas of historical surplus of surface water. *Committee:* Natural Resources
- LR 177** – Interim study to examine the ground water model development as set forth from the Final Settlement Stipulation of the Republican River Compact regarding inputs and accounting. *Committee:* Natural Resources
- LR 184** – Interim study to examine the legislative appropriations process. *Committee:* Appropriations
- LR 188** – Interim study of duties of Nebraska's Carbon Sequestration Advisory Committee. *Committee:* Agriculture
- LR 198** – Interim study to examine information collected from flow meters installed to measure ground water use and surface water use. *Committee:* Natural Resources
- LR 210** – Interim study to examine issues under the jurisdiction of the Natural Resources. *Committee:* Natural Resources



Middle Republican NRD  
Testimony  
For the  
Natural Resources Committee  
July 31, 2007

LR 174

In 1994 the Natural Resources Districts and the Irrigation Districts in the Republican River Basin formed an informal coalition to begin sharing concerns relative to water management in the basin. The Department of Water Resources was an active participant in those meetings. Many ideas for the future were discussed, problems were identified and management scenarios were considered. The impacts and benefits of LB 108 were analyzed and following the passage of LB 108 basin NRDs made requests for determinations of conflicts. That coalition became formal in 2000 when the Nebraska Republican River Management Districts Association was formed by an interlocal agreement. Many of the updates of the Kansas vs. Nebraska lawsuit were made during Association meetings. Representatives from Governor Johanns Republican River Basin Council were added to our Association as advisors and the Association served as the stakeholder group for the early discussions and development of our Integrated Management Plans. We continue to meet on a regular basis and, with the involvement of the Department of Natural Resources, have used these meetings for much of our discussion of what needs to be revised in our rules and regulations and in our Integrated Management Plans. While ice jams have never been discussed and flooding only on a limited basis, the impacts of drought have been the subject of many of our discussions. The impacts of this years flooding will surely be reviewed in the future and methods to mitigate any damages and to control flood flows that are relevant to integrated management will be considered. I have no reason to think that the NRDs will not continue to meet and work with the irrigation districts. We will continue to review the Integrated Management Plans that have been approved with DNR. We have shared information with DNR in the past and will do so in the future. While I think the Integrated Management Plan we have in place will meet future needs with some revisions because of statute changes, the Ground Water Management Area rules and regulations are an ongoing process. We constantly review these plans and make changes when needed. Our last plan was revised twice in that three year period that it applied to. These rules are under review at the current time and will be revised as soon as practicle.

LR 177

The ground water accounting model developed as part of the Final Settlement of the Kansas vs. Nebraska lawsuit is not a predictive model like the COHYST model. Its function is to determine the amount of consumptive use that is attributed to ground water pumping for compact accounting purposes. The model can be used to simulate the results of various activities and can provide some guidance as to the impact of different

types of management or regulation. Inputs to the model can of course have an impact on the results. The Department of Natural Resources and the NRDs work toward the highest level of accuracy in these inputs. At the request of the NRDs the Department recently reviewed their procedures for calculating water use in the areas of the basin influenced by the mound. After this review, it was discovered that these calculations were overestimating Nebraska use and up to 9000 acre feet of use was being reported that should not have been. This calculation was not an error in the model but in the way the model was being used. Major or even minor revisions to the model would require the concurrence of both Kansas and Colorado. If Nebraska finds what they believe to be an error it would have to be presented to the states for consideration of a change. Nebraska probably has the need to develop a model similar to COHYST for the Republican Basin. With this type of modeling more precise predictions could be made and management schemes could be developed that provide the greatest benefit for Nebraska. A more extensive model could provide the justification for changes to the current accounting model.

#### LR 198

In the fall of 1998 funds provided by the legislature to the Nebraska Soil and Water Conservation Program were used to begin installing flow meters on wells in the alluvium of the Republican River and the major tributaries. Additional funds in 2000 allowed the NRDs to continue to install meters in the uplands and by 2004 all wells in the basin were metered. This program also allowed for meters on surface water diversions. While producers were reluctant to install meters initially, acceptance of the meters improved as producers became aware of the management benefits of the meters. We have had any number of producers report that the meters have been their knowledge of how they were irrigating and the variations in their individual systems. Because of the metered use, many producers realized that they had not been using as much water as they thought and that they could produce a crop within our allocations. The average cost for an installed meter in the MRNRD was approximately \$900.00 per meter. Producers received 50% cost-share.

Installing meters is the easy part of a program to gather usage data. If the meters are to continue functioning as designed, a maintenance program must be developed. Routine servicing is required and major repairs are often needed. If meters are being used as a regulatory tool, it will be necessary to have the meters read, the numbers recorded and a data base of use established.

Submitted by \_\_\_\_\_  
Daniel L. Smith, Manager

July 26, 2007

Senator LeRoy Louden  
Chairperson, Natural Resources Committee  
State Capitol  
PO Box 94604  
Lincoln NE 68509-4604

Dear Senator Louden and Members of the Natural Resources Committee,

The four Republican River Basin NRDs would like to jointly respond to your letter of June 25<sup>th</sup>, 2007, requesting that the NRDs in the Republican Basin provide a written report of activities relating to the implementation of LB 701.

Prior to the passage of LB 701, basin NRDs took several actions that were relevant to the concepts included in LB 701. The first of these was utilization of the Interrelated Water Management Plan Program Fund (IWMPPF) for two projects. The basin NRDs received \$121,000 for the \$174,000 *Republican River Basin Riparian Management Study and Demonstration* project. Sites have been selected for this project but, while we had hoped to get it under way early last spring, snow melt and rainfall have forced us to delay the start of this project until late summer or early fall. This project will also include about \$600,000 of input from DNR and UNL for equipment to measure and monitor ET at the demonstration sites to determine the benefit of this type of vegetation management.

The *Republican River Augmentation Study* received an IWMPPF grant award of \$136,000. To date the study has identified ten (10) potential sites, based upon hydrologic and geographic characteristics, from which stream flows could be augmented with groundwater supplies during water short periods. Infrastructure construction costs have been estimated for each of the sites. The next phase of the analysis is estimating the cost to benefit ratios of the selected sites. The cost to benefit measures require estimates of streamflow depletions associated with pumping at the potential sites. We are currently awaiting these estimates from the Department of Natural Resources technical staff.

Tri-Basin NRD received an IWMPPF grant of \$224,000 to accelerate its dedicated observation well drilling project. This NRD will drill at least one dedicated groundwater observation well in every township within this district. The data gathered from these wells will enable Tri-Basin NRD to more precisely and proactively manage groundwater resources in the "groundwater mound", which provides an important and substantial contribution of imported water to the Republican Basin. This data will also be used to improve the accuracy of the Republican River and COHYST computer models.

Basin NRDs also took several steps to facilitate implementation of LB 701 before it was enacted. Preliminary discussions were begun with several irrigation

districts to determine what supplies could be purchased. Anticipating enactment of LB 701, the NRDs contacted the Nebraska Association of County Officials (NACO) to determine what the impacts of the newly proposed occupation tax would be for our local county offices. NACO agreed to make revisions to local accounting programs, gather data from county assessors and develop a website so that the individual NRDs could input our certified acres for taxation purposes.

We also retained legal counsel to assist in developing an interlocal agreement among the three Republican NRDs eligible to issue bonds. The entity created by this interlocal agreement will handle the bond issue and repayment. We believed that it was important to have this structure in place before the bill was approved, so that the bonds could be issued in a timely manner. This entity is referred to as the Republican Basin Coalition. The NRDs also retained bond counsel to help draft language in LB 701 and initiated preliminary discussions with a bonding company to determine the procedures that would need to be followed if LB 701 became law. NRDs also worked with the Nebraska Department of Natural Resources, basin irrigation districts and the Bureau of Reclamation to determine what process needed to be followed to purchase, protect and account for surface water purchased by the NRDs.

Following passage of LB 701, Memoranda of Agreement were completed with the Frenchman-Cambridge and Frenchman Valley irrigation districts and with the Riverside Irrigation Company. A temporary assignment of water supply was initiated with the Bureau of Reclamation. An Interlocal Agreement between the three Republican NRDs was adopted by the respective boards of directors. Final accounting numbers were agreed to by the NRDs, DNR and the Bureau. Actions were taken to begin releasing, storing and accounting for the purchased water. County Assessor records are being reviewed and acres subject to the occupation tax are being identified. Ameritas bonding company is in the process of putting together the bond package and determining the repayment schedule. This bond will be for approximately 9.789 million dollars. This amount includes principal and interest that will be repaid by a combination of property tax and occupation tax. The repayment schedule and the respective amounts of property and occupation taxes needed for repayment are now being determined by Ameritas.

Basin NRDs are working with two weed management areas in the Basin. These weed management areas have submitted project proposals for riparian vegetation management funds appropriated as a result of LB 701. The Twin Valley Weed Management Area applied for a \$1,491,000 grant for the Eastern Republican Riparian Improvement Project for riparian vegetation management work that will be conducted over the next two years. This year, the plan is to hire contractors to spray the river channel by air and land, starting in August, from Cambridge Canal diversion down to Hardy, where the Republican enters Kansas.

In addition, contractors will spray Harlan County Reservoir, where over 3,000 acres of exposed mudflats are riddled with Saltcedar and Phragmites. The river channel has been mapped and invasive plant infestations and bottlenecks in the river were located using GPS equipment. Agreements have been obtained from over 150 landowners downstream from Harlan County Lake for permission

to conduct management activities. Log jams and downed trees that are clogging the river channel will also be removed. That work will begin sometime early this fall after the spraying is complete.

Southwest Weed Management Area also applied for a grant of \$1,254,000. This project will complement the work being done on the eastern half of the Republican River and extend invasive riparian species control westward to the Colorado border. The vegetation management activities will be done in a holistic manner using the most appropriate and cost effective options for a given situation, whether those are mechanical, biological or chemical control methods. Holistic management will improve stream flow and function while protecting and improving wildlife habitat and water quality. A second and equal goal is to increase public awareness of the impact of invasive plants on the river system and of best management practices to protect river function and wildlife and grazing uses of the associated lands.

TVWMA was approved for the first year for \$772,500 and SWWMA was approved for the first year at \$814,617. All four basin NRDs are participating in these grants with cash and in-kind services. Discussions continue with irrigation districts to identify possibilities for long-term agreements for future purchases or leases of surface water. The irrigation districts have formed a group called the Republican Basin Irrigation Districts Council, which was established to assist all water interests in the basin. Discussions continue with DNR concerning revisions to NRD Ground Water Management Area rules and regulations that will be needed to continue our Integrated Management Plans. These plans were approved by the state and the NRDs and put in action for the 2004 irrigation season. The Integrated Management Plans were implemented through adoption of rules and regulations for groundwater management areas.

Utilization of authorities within LB 701, particularly projects involving river flow enhancement, will continue. As we develop our budgets, review our workload for the current fiscal year and revise our groundwater management area rules and regulations, new ideas will be considered and new plans and projects will be developed. As with most legislation, LB 701 was not a one-time, "use and go" authority. As the needs of the basin are further defined, basin NRDs will continue utilize the provisions of LB 701 and other state statutes to help Nebraska maintain compliance with the Republican River Compact.

Respectfully submitted by:

Upper Republican NRD

Middle Republican NRD

\_\_\_\_\_  
Jasper Fanning, Manager

\_\_\_\_\_  
Daniel L. Smith, Manger

Lower Republican NRD

Tri-Basin NRD

\_\_\_\_\_  
Mike Clements, Manager

\_\_\_\_\_  
John Thorburn, Manager