

**Inter-Local Cooperation Agreement Between the
Lower Republican Natural Resources District
and the
Nebraska Department of Natural Resources**

WHEREAS, the United States Supreme Court has approved a comprehensive settlement of the Republican River Compact litigation; and

WHEREAS, that comprehensive settlement will require substantial additional work by the staff of the Lower Republican Natural Resources District (NRD); and

WHEREAS, such additional work will include the tasks described in Attachment A; and

WHEREAS, the NRD is unable, within current budget limitations, and without outside financial assistance, to perform all such additional tasks; and

WHEREAS, the Nebraska Department of Natural Resources (DNR) has available from legislative appropriations the necessary funds to assist the NRD with the costs it incurs in performing such additional tasks in fiscal years 2003-04 and 2004-05; and

WHEREAS, the NRD will also devote substantial resources of its own to implement the comprehensive settlement and by September 30, 2004 and September 30, 2005, will provide DNR with annual reports describing all such contributions to that effort.

NOW THEREFORE, the parties hereto agree as follows:

(1) The NRD agrees to:

- (a) Perform the tasks described in Attachment A; and
- (b) Bill the DNR for the costs actually incurred by the District in providing such services, the total amount not to exceed \$179,750 in fiscal year 2003-04 and \$74,000 in fiscal year 2004-05. Billings will be itemized and submitted no more often than once per month and will be accompanied by a report describing the services performed since the last such billing.

(2) DNR agrees to promptly review all bills submitted by the NRD and, in the absence of any dispute over those bills, pay the NRD the amount billed within 21 days of the receipt of the bill.

(3) All materials, supplies, software, hardware and equipment purchased by the NRD to carry out the purposes of this agreement will be the property of the NRD.

(4) This agreement may be modified in writing at any time by mutual agreement of the parties or may be terminated by either party by giving the other party 30 days notice in

writing of such termination. Services provided by the NRD prior to the date of any such termination shall be paid by the DNR in accordance with item (2) above.

Michael Clements
Lower Republican NRD

6/12/03
Date

Don K. Patton
Nebraska Department of Natural Resources

6/23/03
Date

APPROVED
AS TO FORM & CONTENT
BY NDNR LEGAL COUNSEL
Don K. Patton 6/20/03

**Agreement Between the
Lower Republican Natural Resources District
And the
Nebraska Department of Natural Resources**

Attachment A

The Lower Republican Natural Resources District (District) agrees to assemble the necessary staff, equipment and supplies in order to implement the settlement of the Kansas Vs. Nebraska lawsuit (Settlement) and comply with the requirements of the Republican River Compact (Compact). As part of the effort to conform to applicable state and federal laws, and in exchange for funding provided by the State of Nebraska through the Department of Natural Resources (Department); the District will perform tasks and fulfill functions that include, but are not limited to:

1. Promulgate rules within the constructs of the Nebraska Ground Water Management and Protection Act that give the District the authority and methods to manage ground water and regulate ground water wells in support of the Settlement and Compact.
2. Implement, expand or maintain a totalizing water well flow metering program for ground water wells within or supplying water to land within the District. The metering program will include the following elements:
 - a) Require proper identification, installation, use, functioning and maintenance of water well totalizing flow meters.
 - b) Provide periodic field inspections and measurements to verify the proper installation, use and functioning of well meters.
 - c) Provide for the routine servicing of all meters and for repairs of damaged or impaired well meters. Steps should be taken to minimize the occurrence of meter tampering.
 - d) Record annual withdrawals, well meter identification, well identification number(s), and delivery system information. Supply the Department with this data as required for compliance with the Settlement and Compact.
3. Develop a program in cooperation with the Department to identify and certify the location and extent of irrigated agriculture within the Republican River Basin. The District's part of the program should include:
 - a) For all irrigated agricultural land that is served by ground water, identify the owner, source of water (well id. numbers), number of acres served and the aerial extent of each field.

b) Ensure the ground water irrigation for each agricultural field is metered and the meter identification number(s) is (are) recorded.

c) Verify the accuracy of the information collected.

d) Share information described above with the Department.

4. Cooperate with the Department in the location and identification of dams that store more than 15 acre-feet, as defined in the Settlement documents

5. Cooperate with the Department in the development and implementation of the ground water model that will be adopted as part of the Settlement. The activities may include the collection, processing, and dissemination of meteorological data, stream headwater locations, ground water levels, farm practices, land use, instantaneous flow measurements, reservoir storage, and geologic information.

6. Cooperate with the Department to ensure the proper and legal registration of all ground water wells within or supplying water to land within the District.

7. Cooperate with Department officials to provide other assistance and information that is needed to ensure compliance by Nebraska with the Settlement and Compact.

Lower Republican NRD
 Republican River Settlement
 Implementation Costs

10/18/02

Fiscal Year 2003-2004

Privileged and Confidential Settlement Document
 "One-time Costs"

Equipment:			
	Office furniture, Relocate, filing System, Phones, etc		\$75,000.00
1	Well measuring tape		\$700.00
1	Pickup		\$25,000.00
1	GPS Equipment		\$450.00
1	Ultrasonic Flowmeter		\$6,000.00
1	Digital Camera		\$500.00
1	Cell Phone		\$100.00
	Equipment Total:		<u>\$107,750.00</u>

Personnel:			
Quantity	Description		Cost
1	FTE Conservation Tech. Salary (including benefits)		\$32,000.00
1	FTE Clerical Salary (including benefits)		\$22,500.00
	Personnel Total:		<u>\$54,500.00</u>

Office Supplies/Misc.:			
	Office Supplies, Field Supplies		\$1,500.00
	Expenses, training		\$2,000.00
	Professional Services (legal, technical)		\$10,000.00
	Vehicle Operating Costs		\$4,000.00
	Office Supplies/Misc. Total:		<u>\$17,500.00</u>

Personnel and Supplies Sub-total \$72,000.00

2003-2004 Fiscal Year Total: \$179,750.00
Fiscal Year 2004-2005

Personnel:			
Quantity	Description		Cost
1	FTE Conservation Tech. Salary (including 150 Hrs. OT)		\$33,000.00
1	FTE Clerical Salary (including 50 Hrs. OT)		\$23,500.00
	Personnel Total:		<u>\$56,500.00</u>

Office Supplies/Misc.:			
	Office Supplies, Field Supplies		\$1,500.00
	Expenses, training		\$2,000.00
	Professional Services (legal, technical)		\$10,000.00
	Vehicle Operating Costs		\$4,000.00
	Office Supplies/Misc. Total:		<u>\$17,500.00</u>

2004-2005 Fiscal Year Total: \$74,000.00

2003-2004 & 2004-2005 FY Implementation Cost Totals: \$253,750.00

2245 Flowmeter cost-share @ \$400 ea. (FY 02-03 thru 04-05) \$898,000.00

Lower Republican NRD

Settlement Implementation Explanation

Because of the additional workload imposed on our District by the settlement with Kansas and Colorado, we have had to hire two additional employees. On January 31, 2003 we hired a full-time water resources technician and on April 7, 2003 we hired a full-time clerical secretary. These are both positions that would not have been required were it not for the settlement.

The water resources technician has been involved with meter maintenance, which is growing every year, meter installation inspection, ultrasonic flow meter readings, GPSing all wells in the District, and will be doing on-site yearend meter readings. He has been involved with on-site inspections for flow meter compliance as well.

Our clerical secretary is basically handling the entire flow meter program from cost-share to calculating and recording yearend meter readings. She is also responsible for meter parts and inventory as well as maintenance billing. This position will be very involved with our certification of irrigated acres later this year.

In addition to the staff, we have obviously had to have computers, desks, office equipment, etc. We have had to purchase and set up a filing system equipped for over 4,000 wells. The additional staff, furnishings, filing, and equipment have put a tremendous strain on our already tiny office. We now have 7 full-time employees working in an office space of 1,150 square feet. We have no break room, no meeting room, and no privacy.

Because of this, our Board is seriously looking at a larger facility. The estimated cost of constructing a new office (5,000 square feet) is about \$400,000. Our most recent estimates on remodeling an older facility have been around \$225,000. This is probably what we will do. We have only requested \$75,000 from the State to help us with this move. The remaining \$150,000 will come from our budget.