

Agreement Between the
[REDACTED] Natural Resources District
And the
Nebraska Department of Natural Resources

Attachment A

The [REDACTED] Natural Resources District (NRD) agrees to assemble the necessary staff, equipment and supplies in order to implement the settlement of the Republican River Compact litigation in Kansas vs. Nebraska, No. 126, original (Supreme Court) (the "Comprehensive lawsuit (Settlement") in order to comply with the requirements of the Republican River Compact. As part of the effort to conform to applicable state and federal laws and, and in exchange for funding provided by the State of Nebraska through the Department of Natural Resources (Department), the NRD will perform tasks and fulfill functions that include, but are not limited to:

1. Enforce rules of the NRD's Integrated Management Plan (IMP) within the constructs of the Nebraska Ground Water Management and Protection Act that give the NRD the authority and methods to manage ground water in support of the Comprehensive Settlement.
2. Maintain a totalizing water well flow metering program for ground water wells located within or supplying water within the NRD. The metering program will include the following elements:
 - a) Perform or oversee proper identification, installation, use, functioning and maintenance of water well totalizing flow meters.
 - b) Conduct periodic field inspections and measurements to verify the proper installation, use and functioning of well meters.
 - c) NRD personnel or its contractors will provide for the routine servicing of all meters and for the repairs of damaged or impaired well meters. Steps shall be taken to minimize the occurrence of meter tampering.
 - d) Record annual withdrawals, well meter identification, well identification number(s), and delivery system information for all active irrigation, municipal and industrial wells (regulated wells) within the NRD. NRD personnel or its contractors will gather annual water meter readings for ground water irrigation wells. The annual reporting period shall be the calendar year. The NRD will supply the Department with the above data as required for compliance with the Comprehensive Settlement. Annual water withdrawal and ancillary data shall be reported to the Department no later than March 15 of the following year.

e) Provide alternate information to be used to compute the annual pumping of each regulated well in the event that the approved water measuring device did not function properly. This shall include the hours of operation and the actual pump rate in gallons per minute of the regulated well. This will require the NRD to periodically measure the instantaneous flow rate for regulated wells.

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 NRD's part of the program shall include:

a) For all irrigated agricultural land that is served by ground water, identify the owner, source of water (e.g. well and water meter identification numbers), number of acres certified and the aerial extent of the certified fields.

b) Provide actual annual irrigated acre reports to accompany the annual water withdrawal information. Maintain current owner information for IMP certified land.

c) Maintain accurate records of any transfers of allocation or physical transfers of ground water as permitted by the IMP.

d) Ensure the amount of ground water used on each irrigated field is metered and the meter identification number(s) is (are) recorded. Ensure the allocation for each tract of certified irrigated land is not exceeded.

e) Verify the accuracy of the information collected.

f) 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 of water, as defined in the Comprehensive Settlement documents.

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

6. Cooperate with the Department to ensure the proper and legal registration of all ground water wells located within or supplying water to land within the NRD. This will include the proper identification and verification of inactive wells as defined in Neb. Rev. State Statute § 46-1207.02. Maintain current owner information for regulated wells.

7. Cooperate with Department officials to provide other assistance and information that is needed to ensure compliance by Nebraska with the Comprehensive Settlement, including, but not limited to inspection of any regulated well, water meter, or irrigation project.