

## DRAFT 2007 INTEGRATED MANAGEMENT PLAN

for Middle Republican Natural Resources District

### AUTHORITY AND LEGAL REQUIREMENTS

This integrated management plan (IMP) was prepared by the Board of Directors of the Middle Republican Natural Resources District (MRNRD) and the Nebraska Department of Natural Resources (NDNR) to meet the requirements of the Nebraska Ground Water Management and Protection Act, Sections 46-701 to 46-753 R.R.S. On July 16, 2004, pursuant to Section 46-7?? the NDNR declared the MRNRD to be fully appropriated. An IMP was adopted by the MRNRD and the NDNR on January 1, 2005 in order to meet the requirements of Section 46-715. This IMP replaces the January 1, 2005 IMP.

As required by law this IMP includes:

- (1) a geographic and stratigraphic definition of the management area. (46-712(3)(b));
- (2) the controls to be used to achieve the ground water management objectives (46-712(3)(b) and 46-715(2)(d)). The controls are:
  - a. consistent with the goals and objectives of the IMP;
  - b. sufficient to ensure that the State of Nebraska will remain in compliance with the Republican River Compact and Settlement Agreement;
  - c. sufficient to protect the ground water users whose water wells are dependent on recharge from the river or stream involved and the surface water appropriators on the river or stream from stream flow depletion caused by surface water uses and ground water uses begun after July 16, 2004 (46-715(3));
- (3) a consideration of the effects of existing and potential new water uses on existing surface water appropriators and ground water users (46-715(2));
- (4) clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the Republican River basin can be achieved and maintained for both the near term and the long term (46-715(2)(a));
- (5) a map clearly delineating the geographic area subject to the IMP (46-715(2)(b)); and
- (6) surface water controls (46-712(2)(d)). The controls are:
  - a. consistent with the goals and objectives of the IMP;
  - b. sufficient to ensure that the State of Nebraska will remain in compliance with the Republican River Compact and Settlement Agreement;
  - c. sufficient to protect the ground water users whose water wells are dependent on recharge from the river or stream involved and the surface water appropriators on the river or stream from stream flow

**Comment:** This section may not be necessary to include in the final IMP but is a good reference during the drafting process and may be very informative to those folks who haven't read the statute itself.

**Comment:** Query: What does "protect" water users existing on July 16, 2004? Does it mean we need to make sure that surface water appropriators are getting as much water as they were getting on July 16, 2004? This is zero water in many cases. Does it mean everyone who had an appropriation on July 16, 2004 gets the amount of water that is in his/her permit? If the former, we need to figure out and document how much water sw appropriator were getting on July 16, 2004. Wouldn't that require "backing up the train"? And what about the gw users dependent on river recharge? How can we "protect" them and shut off wells in the alluvium at the same time? Fully appropriated means maintaining the existing balance—not "backing up the train" as we say. Does that mean the legislature has decided that the balance that existed on July 16, 2004 is all that we can insist on?

- depletion caused by surface water uses and ground water uses begun after July 16, 2004 (46-715(3)); and
- (7) a plan to gather and evaluate data, information, and methodologies that could be used to implement Sections 46-715 to 46-716, increase understanding of the surface water and hydrologically connected ground water system, and test the validity of the conclusions and information upon which the IMP is based(46-712(2)(e)).

**Comment:** To comply with the law we need to identify all new uses begun after this date or what uses existed on this date and presume everyone else came after. This would include a list of new wells, new surface water appropriations and increased irrigated acres. The latter could be identified in the recertification process. We need to

## BACKGROUND

## GOALS AND OBJECTIVES

Pursuant to 46-715(2)(a) an IMP must have clear goals and objectives with the purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the Republican River basin can be achieved and maintained for both the near term and the long term. The following goals and objectives are adopted by the MRNRD and the NDNR to achieve that purpose:

1. **Goal:** To comply with the Republican River Compact.

**Objectives:**

- a. In December of every other year beginning in 2009, NDNR and the MRNRD shall meet to determine a ground water allocation for the next two year allocation period. The allocations will be set in an amount calculated to achieve the RRCA five year rolling average. The allocation for the allocation period of 2008 through 2009 shall be 10 inches. The average annual allocation shall be five inches.
- b. Prohibit the appropriation of surface water for storage beginning September 2007 until \_\_\_\_\_.
- c. Require one to one offsets for all new uses except irrigation
- d. Comply with all of the terms of the 2002 Settlement Agreement
  - i. maintain moratorium on new irrigation wells
  - ii. limit replacement wells to
  - iii. water short years

**Comment:** This allocation is a number picked out of the air for drafting purposes. We discussed saying that since we are out of compliance we should talk in terms of percentages like reducing volumes of water use by 75%. I am tried doing that but there seemed to be no way without admitting that we are out of compliance in a very public way!

2. **Goal:** Sustain a balance between water uses and water supplies.

**Objectives:**

- a. Identify existing water supplies and ways to increase water supplies.
- b. Identify how new uses can be accommodated such as through buyouts and transfers of existing water uses, basinwide reductions of ground water use through lowered allocations, and other means of offsetting increased water use so as to maintain a balance.

**Comment:** Does the RRCA model tell us what is needed for balance? Can it tell us what the water supplies are?

3. **Goal:** Protect ground water users whose wells are dependent on recharge from a river or stream and surface water appropriators on rivers and streams from depletions caused by surface water uses and ground water uses begun after July 16, 2004.

**Objectives:**

- a. Identify by location and amount the ground water uses, dependant on recharge from a river or stream, in existence on July 16, 2004.
- b. Identify by location and amount the surface water uses in existence on July 16, 2004.
- c. Limit or prohibit ground and surface water uses begun after July 16, 2004 or require them to find an offset.

**GROUND WATER CONTROLS**

1. Certification of
  - a. irrigated acres
  - b. other water uses.
2. Recertification of irrigated acres for conformance with July 16, 2004 mandate in law.
3. Set allocations for all uses and
  - a. require flowmeters for all uses except domestic and range livestock
  - b. require flow meters to be tamper resistant and monitor regularly
  - c. prohibit transfers of allocations from wells that weren't or aren't capable of pumping the full allocation amount
  - d. limit transfers of an allocation to a well in the alluvium
  - e. set two year allocation periods
  - f. biannually reevaluate allocations for water uses other than irrigation for possible improved efficiency of water use
  - g. limit carrying allocations forward to the next allocation period to no more than one half of an annual average allocation
  - h. vigorously enforce allocation restrictions and apply penalties
4. Maintain moratorium on new irrigation wells
5. Require a large-use permit for all new uses of ground water over 25 million gallons per year except irrigation uses
6. Require a one-to-one offset for all new uses of ground water except irrigation uses
7. Begin moratorium on the use of wells drilled after January 1, 2001 or lower the allocation for wells drilled after January 1, 2001

**SURFACE WATER CONTROLS**

1. Maintain moratorium on new uses
2. Limit transfers to historic consumptive use

*except for  
ag to ag transfer*

*however, variances (criteria)  
are going to issue*

- equity*
3. Reduce appropriation to match ground water allocation when sufficient streamflows have been achieved
  4. ~~Cancell unused appropriations~~ *missed coin on DNR priority list for special*
  5. Enforce the requirement that all dams must pass water when under water administration
  6. Take enforcement actions against illegally stored water
  7. Prohibit all storage appropriations from storing water until further notice

*address appropriation*  
*require offsets for muni: annual*  
*so that on our sw assets don't get more water than a gw engineer working w/ NRD*

### INCENTIVE PROGRAMS

1. CREP:
  - a. Cannot be used for individual offsets. Savings achieved will be help eliminate current RRCA deficit
  - b. Seek additional funds for incentive payments for wells which will achieve greater water savings such as whole fields, wells closer to stream, etc.
2. Republican Special Incentive EQIP: Seek money and federal permission to do another sign-up. Cannot be used for individual offsets.
3. Regular EQIP: Seek funds to pay signing bonus for normal EQIP cannot be used for individual offsets.
4. Explore possibility of buying permanent easements outside of the Republican Special Incentive EQIP.
5. Create tax incentive for donating water "rights" in a permanent easement
6. Create incentive for selling/transferring allocations of wells in alluvium

### PLAN TO GATHER INFORMATION AND EVALUATE SUCCESS OF IMP

1. Identify how success will be measured
2. Identify data and information needed for evaluation
  - a. stream gaging records
  - b. RRCA model runs
  - c. Lists of all new permits issued, wells, appropriations, any transfers, variances and offsets. This information shall be sent to NDNR and the MRNRD by December 1 of each year.
3. Annual RRCA report
4. Reports to be given to NDNR and the MRNRD by each other by December 1 of each year
  - a. enforcement actions taken by NDNR and MRNRD
  - b. cancellations of surface water appropriations
  - c. well decommissionings and permanent modifications to reduce capacity
  - d. irrigated acres retired
  - e. lists of all transfers, permits, variances, and appropriations issued
  - f. field reports for all replacement wells

**Comment:** Since this requirement was added just last year we aren't too sure how to go about it. Tina and I haven't talked to Jesse about it yet. Success is more than just compact compliance since we have to sustain a balance and protect existing users.

5. Review of acre certifications
6. Audits
7. Annual meeting to discuss information and evaluate success
8. Joint annual report??

#### PROCESS FOR MODIFICATION OF IMP

1. When either the MRNRD or the NDNR believes there is a need to modify the IMP or any of the regulations implementing the IMP, a letter will be sent to the Director or Manager outlining in general terms the modification needed and the reason why. The letter shall contain a list of all meetings and hearings necessary to implement the modification and a timeline for the proposed modification. The NDNR or MRNRD shall describe any consultations with stakeholders that have already occurred regarding the proposed modification.
2. The Director or Manager shall respond to the letter in writing within 30 days. The response shall indicate whether or not the modification will be supported or opposed or if there is a need for further discussion.
  - a. If the modification is supported, the entity proposing the modification shall draft the exact language proposed and send it to the other entity. Within two weeks the other entity shall indicate agreement with the language proposed or the need for further discussion.
  - b. If the modification is opposed, the entity opposing the modification shall respond in writing with a detailed outline of the reasons why the modification is opposed.
3. If the proposed modification will change regulations rather than the IMP itself, the entity proposing the modifications will enter the letter of support in the hearing record. If the other entity opposes the regulations.....
4. All modifications to the IMP will be made following a joint public hearing on the proposed modifications.

#### PROCESS FOR ISSUING PERMITS IN AREAS OF SHARED RESPONSIBILITY

1. Transfers of groundwater out-of-state
2. Municipal and Rural Domestic Transfers
3. Industrial Use Transfers

**Comment:** If the NRD's have large-use permits the two process can dovetail each other so that there is an agreed upon offset and mitigation for negative effects to other users.

#### RESEARCHING ALTERNATIVES FOR ENHANCING WATER SUPPLY

Research includes (at a minimum) identifying the scope of project, all anticipated costs, sources of funding, institutional impediments (for example, the fact that most phreatophytes grow on private property and very few people will grant access for phreatophyte control and many don't want their trees removed) and time constraints.

1. Augmentation
2. Re-regulation
3. Transbasin diversion of surface water
4. Transbasin diversion of ground water
5. Phreatophyte reduction