Otte & Source Unknown - likely PE 2003

# Diagrammable Summary of Council's Discussion on Basin Coordinating Committee

Supreme Court Opinion
Or
Negotiated Settlement

By order of the Supreme Court or a negotiated settlement, Nebraska receives an allocation of water that can be used in Nebraska

### Department of Natural Resources

The Director of DNR, is the official state representative to the compact and is responsible for assuring the state complies with the compact. However, it is not clear how this assurance is to be provided.

#### **Basin Coordination Commission**

Assuming the Court allows Nebraska to distribute its share of basin water among sub-basins, the Basin Commission (strong commission option) or the Coordinating Council (coordination and recommendations only) both:

- 1. Will need state, regional and local control
- 2. Could be created by inter-local agreement
- 3. Would have to develop a method to determine how Nebraska's share of the basin water should be distributed among Nebraska's sub-basin based on knowledge of soils, climate, etc.
- 4. Could provide information
- 5. Could coordinate and recommend sub-basin allocations
  - Collect data
  - Run model
  - Work with Compact representatives
- 6. Would develop a coordinated basin-wide management plan as appropriate for each NRD
- 7. Would allow local authorities are responsible for distributing water to individual users

Basin Commission	Coordinating Council
Has authority to enforce the basin-wide	Recommends adoption of the plan by each NRD
management plan (enforce proper usage of the	and DNR.
quantity allocated to the local subbasins)	
DNR could administer the allocation in gross and	NRD and DNR retain full authority to implement
have power to demand action from the Commission	using current authorities
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Local Subdivisions – N	RD's, Irrigation Districts
Local subdivisions would decide ho	w to allocate among individual users
	•
Individ	ual Users

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#### **Ouestions**

- 1. How does the alternative address east-west conflict?
- 2. How does the alternative integrate surface water and ground water?
- 3. How are membership and voting rights decided?
- 4. Does this alternative appropriately represent all of the basin interests?
- 5. How does DNR insure that the local authorities are administering the plan?
- 6. In reality because both plans ultimately rely on the local authority to distribute water to individuals and, in either case, the DNR is ultimately responsible for ensuring compliance with the compact, the real difference between these two plans is that the stronger Basin Commission creates an intermediate basin, as opposed to state, authority that can step in if the local authorities do not implement the plans. Thus, in either case, there are the questions:
- 7. At what point does the DNR step in to ensure compliance with the Compact?
- 8. What is the timetable to come into compliance?

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## DWR DESIGNATION OF MANAGEMENT AREA FOR INTEGRATED MANAGEMENT (Sections 46-656.49 to 46-656.60) (Authority Limited to Disputes Over Interstate Compacts and Decrees and Other Formal State Contracts or Agreements

and to Republican River Basin Until January, 1999)

