

Notes Enclosed 6-29-2004

UPPER REPUBLICAN NRD INFORMATION MEETINGS

For All Residents of:

Dundy County - Tuesday, June 29th
Community Center, 908 Huron St., Benkelman

**Chase County - Wednesday, June
30th**

High School Auditorium, 520 E. 9th St., Imperial
&

Perkins County - Thursday, July 1st
American Legion Hall, Lincoln St., Grant
Washington + E. 3rd

All meetings to start at 8:00 p.m.
MDT

Items for Discussion:

- 1. Proposals for URNRD Compliance with the
Republican River Settlement.**
- 2. Public view on possible reduction in allocated
acres or allocated inches.**
- 3. Options for funding compliance efforts.**

Upper Republican Natural Resources District

PUBLIC INFORMATION MEETINGS

AGENDA

- 1. Introduction**
- 2. Open Public Comment Period**
- 3. RRCA Settlement Implementation Status Reports -**
 - A. State of Nebraska**
 - B. URNRD Board of Directors**
- 4. District Questionnaire**
- 5. Other**
- 6. Adjournment**

Kenneth Frasier, Robert Ambrose, Dean Large, Tom Terryberry, Greg Pelster, Kenny Owens, Terry Martin, Roger Patterson, Ann Bled, Brad Edgerton, Mike T. Jerry Kuenning

Introduction

- Rules (except for dates) will be unchanged for the July 6 board meeting

RKP

Slide - Relevant Issues

What IS + IS NOT in Compact

1943 states negotiated how to divide the water before dams + canals were built

Ratified by States + Congress

Allocated by sub-basin + then summed to the total "VWS" which NE gets 49%

Historically the allocations of beneficial CU was S.W. & alluvial GW

Nebraska's 49% grows & shrinks

D

Reservoirs go empty - SW curtains, but

GW goes up, so our use stays the same or more at the same time use goes up a little.

Recent development in lower parts of basin have contributed to more C.U. while recent drought has shrunk supply

Rulings by Special Master

- 2 Major Rulings
- ① GW counts if it depleads stream
- ② sub-basin don't

Rest of settlement was technical in nature
relating to UWS & allocation procedures

compact was not changed

1st How do you compute the GW depletions

Model was developed jointly by 3 states
& the federal government

2nd by Sub-basin UWS = gage + beneficial
C.U. upstream

However CO & NE convinced KS to
agree to a state wide allocation
except for dry years where above Guide
Rock is NE supply

Averaging

without averaging NE would
be in violation about 1 in 4 years

With 5 yr. running average we would
not usually violate our allocations, as
long as development of additional acres stops.

Irrigated Acres & Pumping

43.5% 30.5% 26.0%

The board has worked hours ... on plans to
use URNRD's share

As you move downstream, the narrower
the basin gets, the closer to the river you
are, therefore the URNRD has a higher
% of pumpage that results in a depletion

Acres expanded in Lower after 2002 which
causes them to spread their water thinner

MRNRD thinks they are done at 312,000

LRNRD " " will have 330,000 acres which is an additional 50,000 acres + will be a difficult issue to handle because ONR will hold them to the 1998-2002 average pumping (depletions)

Remember these numbers will get bigger due to the lag effect. This lag effect will be more of an issue in the URNRD since the effects of pumping take much more time to completely be realized.

Dean Large Question - what would the lag look like if we had not already been allocating water? Question

Lag Effect - we believe that even with current pumping the depletion may add 30-50K AF

Future Non Compliance -

New lawsuit

Harsh future is possible

We are not willing to sign off on plans that we feel will fall short of meeting our obligations.

Q-A MRNRD Moratorium June 2002 } both were asked not to expand acres
LRNRD " Dec. 2002 } beyond 2002

Both will be expected to have acres locked & certified by this fall, with allocations & dry year leasing.

MRNRD - vote July 13

LRNRD - ? Struggling Roger will be at next board meeting (July 16)

What if they sue? state would be obligated to... board & choose

Q

What if an irrigator refuses to comply?

NRDs can have penalties of water fines

State can bring charges in court

Q How do inches per acre compare?	UR	MR	LR
	14.2	11.9	8.8

	14.2"	12.8"	10.5"
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Q Explain Averaging -

5 year - may be a problem for us even if drought goes away

2 year - Above Guide Rock in water short (below 119,000 AF) ^{Harlan}

3 year - If 1st year below 130,000 AF & we have dry year plans which we will have & implement it. We could then chose to do a 3 year average

We will probably want a two year in 2006, because 2003 & 2004 were over & without any controls to stay in compliance

2006 is first year that "counts" for averaging

Greg Pelster -

URNRD has agreed to a 5% pumpage reduction

QRW area - probably between 50-70,000 acres still not determined

Dean Large - dead end, want input from public so the solutions committee can proceed with a better defined set of tools (sic)

Greg Pelster - Certified Acres Locked, Satellite acres will stay, carry forward allowed, but limited in water short years

My Question:
Why wouldn't
you list &
Charge Satellite
Acres?

If a fee is imposed:
No Pay = No Water

Do we have authority to raise fees?
We don't have explicit authority but did
authorize "incentive plans"
The legislature should address this.

Would there be lawsuits? - Probably

What is \$5? - would be assessed to certified Acres
Dean Large

- ① 5% reduction
- ② Address Lag
- ③ must handle short years that started in 2003

Satellite wells have been running on carryover savings,
so what happens now when we can't use the
extra? You could only use it in wet years or
years you have a normal allocation scheme, and
then you could only use 3" of your carry forward.

In dry years we can't use more than 13", but going
below 13" would be hard on producers without
the funds to reimburse alluvial area

QRW question - If a major portion of water pumped
in a short time frame, results in a depletion,
then you have a quick response well.

What about cutting end guns? Not always the same
amount of acres. It is a good idea, but needs
to be individually calculated.

How many acres would you need to retire?
1st Quick response

The FSA says you will need to water to retain your
irrigated basis on all your acres

★ Get QRW
Map for
Power Point

Q? - what if NRD collects money, but doesn't need it that year?

A - could reduce \$ for future years, not charge or give back - all would be under control.

Answer Not given - not a problem now 'cause you all have already dug yourselves a hole.

Pool Questions -

Township line problems

Farmers want to group all their acres & create their own 36 section pool that wouldn't have to be a defined township

CREP - suggested it may be \$110/acre w/ a 20% local match per year for 10 years

requirements?

Q - where does water rights come in?

You have the right to continue to use it to your legal limit. You could opt to leave your irrigation right to a program that puts land out of irrigation for a period of time. It would help the state meet its obligation greatly.

Want to know about lag effect - what will it be in the future?

"overflow" questions - (some one has been looking at www.waterclaim.com)

Model workshop July 9 in McCook, could be done in URNRD. - DNR will come to URNRD with the model seminar, if requested by the board.

Ann put up the lag effect chart that assumes no increase in pumping or acres after 2000 (its ok to attribute that to GW pumping & conservation)

* Reservoir inflow & gw pumping chart may be useful
Marlan Inflow
Courtland Canal
Hardy Gage

DRAFT DISCUSSION PROPOSAL

FOR IMPLEMENTATION OF THE SETTLEMENT OF THE RRCA LITIGATION

1. Spring observations of wet areas in the District estimate the acres in the Quick Response Area at between 50,000 and 70,000 acres.

2. DNR believes we'd need \$10/acre to fund a viable retirement program.

3. For the initial implementation -

Upper retains right to irrigate 448716 Certified Acres.

Upper would allocate 13" per certified acre starting with 2005 as the first of a three year allocation term (last three of our current five) in which we'd allocate 39" through the end of 2007.

Current satellite acres allowed. No additional new irrigated acres or "spreading" to irrigate additional acres.

Base \$5/ac. fee for land retirement. Paid on Certified acres (possibly satellite acres also). This fee paid before any annual reductions.

- Goal would be \$10/ac. on Certified Acres. Additional funds to come from uses after the base fee. Realizing some acres paying only base others higher.

- For use in our obligation of CREP, URNRD retirement programs, etc.

- District would operate this fund to completion of above.

- Fee structured to control use of Carry Forward inches

Limit use in Water Short Year to no more than 13" per Certified acre. Suggested limit to no more than 16" per Certified acre in any year.

Current Carryforward allowed. Fee structured to limit use of this Carryforward in the future. Cap new Carryforward growth to no more than 6" at the end of any term.

4. Water Short Year Administration -

Upper would need to reduce 44% of the expected amount of the total depletion to streamflow in excess of its share of the Virgin Water Supply.

If there is an anticipated 40,000 a/f depletion of streamflow above the estimated volume of Nebraska's share of the VWS, the URNRD would be responsible to restore 17,600 a/f of the anticipated depletion to streamflow. At the current calculated ratio of 3 acres of retired from irrigation to restore 1 a/f of streamflow depletion, this would require the URNRD to retire 52,800 acres to replace its share of the anticipated excess depletion to streamflow. However, with a 13 inch allocation some of this anticipated depletion of streamflow is already provided. This would leave approximately 45,000 to 46,000 acres to be retired during water short years. This will vary with the total expected depletion of streamflow resulting from irrigation in excess of the Nebraska share of the VWS.

This proposal is presented as a draft for discussion purposes at this time!

06-29-04

3 Potential RRCA Settlement Management Options

