

March 1, 2004 Rep. NRD / DNR

BCU = beneficial consumptive use
original 234,5000 = NE 49%
K540% } original
CO 11%

EW BCU = depletion to streamflow
from where the
inlet determines
that depletion.

3 basic challenges:

- ① normal year plan
- ② dry year plan
- ③ How to handle "lag"

VWS = water out at end of basin + BCU upstream

Manger Estimates	LRARD	MRARD	LNARD	Tri-B	Total
	450,000	350,000	330,000	170,000	1.3 M Acres

Pumping Avg. \approx 1 Million AF

AKP \rightarrow Flowed Guide Rock, NE equates to 50% NE allocation of that water

Typically we have used about 10,000 AF less of our allocation below Guide Rock, so we could pump back up above & thus reduce the above Guide Rock uses during water short years

Mound credit (\approx 13,000 AF/yr) as determined by GW Model shows up as a direct cancellation of NE Rep. Rive. CU.

Mound area was defined as area with at least 10 ft. of rise, which more or less parallels the Tri-Basin NRD boundary

The basin's piezometric is separated from aquifers in regions of ephemeral flows (that are non-flowing), so why would pumping above them be counter if they are in the basin?

if premise is correct

Therburn & Blankensau are interested in the concept of a VUS & BCN for each NRD separately. Cookson & Weed
... we have the capability at this point.

RKP

Ag. S. Corps
Pumpage
System Types

For Reporting & future improvements

Noncompliance would result in "unjust enrichment",
whereby the court would assign damage amounts &
design a new compliance plan for NE irrigators.

455
132

910

1365

455

60060 est.

new acres
since '98 in
LRNRD

Ann's Tables in 1990-2003 "mock" compact calculations

Mike Clements - 1991-2000 averages divided by acres
then their allocation 7.24", which is a normal year value
+ LRNRD would be 8.08". Then if you cut back
another 10%, you will be under 7" for LRNRD

Jim Cook - w & w/o LB962

Plans to be turned into rules by Sept. '04?

Action Items - MRNRD will shoot DNR some ideas about compliance ^{by March 12}
- Get experts + regular folks to explain DNR pumpage #'s
and explain them to NRD folks + experts
- what is 1 acre-inch of water worth today

Procedures/Deadlines With and Without LB962

If LB962 Is Not Adopted

1. Each NRD/DNR joint action plan is to be completed with one year after the NRD passed the resolution to proceed to develop a plan. The resulting deadlines are:
 - Upper Republican NRD—September 2, 2004
 - Middle Republican NRD—? *August 12, 2004*
 - Lower Republican NRD—? *Sept. 10, 2004*
 - Tri-Basin NRD—August 12, 2004
2. A hearing on adoption of the joint action plan and on designating the groundwater management area to be used to implement the plan is to be conducted within 60 days after the completion of the plan. Notice must be published for 3 weeks prior to the hearing.
3. The district is to decide within 90 days after the hearing if the joint action plan should be adopted and a management area designated and if so, what ground water controls are to be adopted.
4. The order adopting the controls has to be published for 3 weeks following its adoption and it has to become effective within 90 days after its adoption.
5. The statute is ambiguous on this point, but the safe assumption is that DNR is to adopt any surface water controls within the same time frame as allowed for NRD adoption of the ground water controls. In that regard, if DNR determines that surface water controls are to include requirements for surface water appropriators to use reasonable conservation measures or best management practices, DNR is to allow those appropriators a reasonable amount of time, not to exceed 180 days, to identify those measures and/or practices and the schedule for their application and utilization. Whether that opportunity is supposed to be given before or after completion of the plan is also unclear in the statute, but the most reasonable interpretation seems to be that the opportunity is to be given before completion of the plan.

If LB962 Is Adopted (Projected effective date is July 16, 2004)

1. If preparation of a joint action plan has been completed by July 16, the stays on new water uses and on increases in irrigated acres would **not** take effect. (Note: adoption of the plan prior to July 16 is not required, only completion of it so that it is ready for the hearing concerning its adoption; however the NRD and DNR would have to be in agreement that the plan was complete.) If the plan is to be adopted after July 16, it would first have to be compared to the requirements in LB962 for integrated management plans (IMPs), modified if necessary to bring it into conformance with those requirements, and then adopted under the provisions of LB962 as an IMP. If

agreement could not be reached on the need for or substance of any modifications, the disagreement would be submitted to the Interrelated Water Review Board (IWRB) for resolution. Any temporary suspension adopted by the NRD under current law would remain in effect until the IMP was adopted and took effect.

2. If preparation of a joint action has **not** been completed by July 16, the stays on new water uses and on increases in irrigated acres would take effect sometime between that date and August 1. For the Lower Republican, where the temporary current — *above Galice Rock* temporary suspension applies to only part of the district, the stays would apply in only the same geographic area, as does the temporary suspension. For the Upper and Middle Republican NRDs, the stays would be district wide. For the Tri-Basin NRD, the stays would apply to all that portion of the NRD that is in the Republican River Basin unless (1) that NRD, under current law and before July 16, 2004, adopts a temporary suspension on new well construction in a more limited geographic area, and (2) DNR does not determine prior to the stay that the temporary suspension area excludes portions of the hydro logically connected area. The stays in each NRD would remain in effect until the IMP for that NRD was adopted either by NRD/DNR or by the IWRB, **except** that if the NRD held a hearing within 90 days after July 16 on the question of whether or not to terminate the groundwater related stays, it could decide within 45 days after that hearing to terminate those stays.

3. Under LB962, the NRDs and the DNR would have up to 3 years (2 more annual extensions allowed) after July 16 to complete each individual IMP and put it into effect. However, the deadlines imposed by the Compact settlement will come into play before then. *3-5 years*