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**Proposed Plan for DNR and NRD Implementation Plans
to Maintain Compliance with the Republican River Basin
Compact**

Near-Term Plan

The following is an outline of the plan that we will implement for the years 2008 – 2012. The goal is to achieve a balance between our annual Allocations and Computed Beneficial Consumptive Use as required by the Republican River Compact by year 2012. To accomplish this goal we will need both increased funding and increased regulations. The basic components of the plan are as follows:

I. The NRDs recognize that there is little opportunity to receive significant levels of funding from State sources but desire that some level of matching funds be provided. The NRDs also recognize that under the current law the ability to raise funds locally cannot adequately fund the potential programs or actions that may be needed to fully implement our Integrated Management Plans. Therefore, the NRDs wish to have the legislature pass legislation that would allow the NRDs to raise money to implement ground water management activities and integrated management activities. This money would be raised through either:

A. A levy of an additional 3 ¢ on each \$100 of taxable evaluation or the establishment of a water use fee

B. This money could be used to:

1. augment water supplies in the basin through:

a) the buyout of water from existing surface water or ground water users;

DRAFT
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Compact**

b) the construction of augmentation projects that import water or retine the use of water in the basin;

c) manage vegetation to increase channel flow capacity or reduce nonbeneficial consumptive use of water with the result of increasing stream flow;

2. compensate those water users subjected to greater regulation than others in the NRD by virtue of the fact their surface water projects or wells are so situated that curtailment of water use will provide extra stream flow in a timely manner;

3. implement other water management activities that will enable the DNR and or the NRD to achieve the goals of an Integrated Management Plan or Ground Water Management Plan.

II. Every two years the DNR will determine if reductions are necessary and if so, the amount of reductions in stream flow depletions that will be required to reach a point where Nebraska's Computed Beneficial Consumptive Use (CBCU) is less than its Allocation. The following steps will be used to calculate any required reductions by each NRD:

A. Using a moderate drought climate scenario, DNR will determine the total reduction requirement needed to achieve a CBCU less than the Allocation within five years.

B. Reductions achieved through State funded CREP and EQIP programs or other surface water or ground water use buyout programs will be calculated and subtracted from the initial estimate of the required reduction;

C. Responsibility for the remaining amount of reduction required will be allocated to each NRD based on the

DRAFT

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percentage of depletions caused by ground water pumping in each NRD for the years 1998-2002:

1. LRNRD = 26%
2. MRNRD = 30%
3. URNRD = 44%
4. Tri-Basin NRD must maintain a positive Imported Water Supply (not Imported Water Supply Credit) from the Platte Basin.

D. The NRDs will establish allocations for the next two year period based on any necessary reductions. After two years, an assessment of the water supplies and expected Allocation will be revised and adjustments to the allocations will be made to insure that we maintain a balance between Allocations and CBCU. If water supplies increase, allocations can be increased. If the drought continues or worsens, allocations will be decreased.

E. Any NRD that has implemented an augmentation plan that provides accretions to stream flow can use these accretions to offset their depletions. The amount of the accretions will be determined by the Republican River Compact Administration Accounting Procedures and the DNR.

III. Any funding received from the State to assist the NRD's efforts to comply with the Compact will be distributed to the NRDs in proportion to the amount of money used by the NRDs for augmenting stream flows.

IV. Administration of surface water

A. Any accretions resulting from augmentation programs paid for by the State or an NRD will be protected from

DRAFT
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Compact**

*surface water diversions and will be available to fulfill the
requirements of the Republican River Compact.*

***B. To determine the remaining water available for surface
water diversions the State will determine:***

1. the total Nebraska Allocation under the Compact
2. the amount of water allocated to surface water use
based on the percentage depletion caused by surface
water diversions for the years 1998-2002.
3. surface water appropriators will be allowed to divert
the water available for diversion or the maximum
allocated to surface water, whichever is less.

***C. The State will administer surface water diversions first
in time first in right, but will not allow the total depletions
to exceed the water allocated to surface water use.***

DRAFT
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Compact**

Long Term Plan

Once a balance between Allocations and CBCU is achieved, the following plan will be implemented.

I. Each year the DNR will estimate the expected allocation to Nebraska and determine how much of Nebraska's allocation can be used to remain within the five year running average or if it is a Water-Short-Year, the two or three year average as required by the Compact.

II. The DNR will distribute Nebraska's allocation to surface water and ground water based on the percentage depletions to surface water use and each NRD for the years 1998-2002. The percentages are:

A. Surface Water = 34%

B. Ground Water 66% allocated to each NRD according to the following percentages

1. URNRD 44%

2. MRNRD 30%

3. LRNRD 26%

4. The Tri-Basin NRD will maintain a positive Imported Water Supply as computed by the Republican River Compact Administration Ground Water Model

DRAFT
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Compact**

V. Administration of Allocations

A. Surface water users will be able to divert the surface water allocation or whatever water is available for diversion, whichever is less. Diversions will be administered first in time, first in right.

B. Each NRD agrees to restrict ground water pumping within the NRD so that ground water depletions within the NRD do not exceed the allocation for the NRD

C. Any accretions resulting from augmentation programs paid for by the State or an NRD will be protected from surface water diversions and will be available to fulfill the requirements of the Republican River Compact.. NRD augmentation plans can be used by the NRD to offset depletions within the NRD.

Note: Compact compliance will be achieved by restricting both surface water and ground water depletions to their respective allocations and any increased streamflow over the targets resulting from either ground water well regulation or increased precipitation will go toward a credit that can be used in the following year.

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