

Tri-Basin NRD

Platte and Republican Basin IMP Requirements Summary

10/15/15

Introduction: Tri-Basin NRD includes portions of the Platte, Republican and Little Blue River Basins. The Platte west of Highway 183 was designated Overappropriated in 2004. The Platte east of Highway 183 was designated Fully Appropriated in 2006. The Republican basin was also designated Fully Appropriated in 2004. Tri-Basin and Nebraska Department of Natural Resources (NDNR) agreed on terms of an Integrated Water Resources Management Plan (IMP) for the Platte Basin in 2009. A joint IMP for the Republican Basin was agreed upon in 2012. Tri-Basin and Little Blue NRDs initiated a process to develop a voluntary basin-wide IMP for the Little Blue Basin in cooperation with NDNR in 2015. Following is a summary of the requirements of the Platte and Republican Basin IMPs.

Platte Basin IMP: The Platte Basin in Tri-Basin NRD is designated as Overappropriated west of US Highway 183, meaning water use must be reduced over time back to what is considered a Fully Appropriated level. East of Highway 183 the Platte is designated as Fully Appropriated, which means that water use has to be limited to 1997 levels of use.

Overall Goals:

1. Tri-Basin NRD and the Department will work with district residents, businesses and other stakeholders to sustain a balance between the uses and supplies of groundwater and surface water, while protecting the viability of production agriculture and the general economy, as well as the social and environmental health, safety and welfare of district residents. Tri-Basin NRD and the Department will work to achieve this goal while accommodating, to the greatest extent possible, economic development needs of the district for the near and long-term future.
2. Tri-Basin NRD and the Department recognize that surface water supply project operations recharge aquifers within the district. We will encourage project owners and all affected water users to operate these projects in a manner that maximizes beneficial groundwater recharge, while meeting all statutory requirements.
3. Tri-Basin NRD and the Department will work together to ensure that the Tri-Basin NRD's regulations and programs will not cause the state to be in non-compliance with lawful interstate compacts, decrees and agreements relevant to management of the integrated water resources of the district, such as the Platte River Recovery Implementation Program (PRRIP) and any applicable successor agreements or programs that are legally binding upon the state and its political subdivisions. Furthermore, with respect to interstate compacts, agreements and court decrees, Tri-Basin NRD and the Department agree:

A. That they will ensure that groundwater and surface water users within the Tri-Basin NRD will only be expected to assume their fair shares of the burden to keep Nebraska in compliance with PRRIP (and applicable successor interstate agreements for the Platte River system).

B. That neither Tri-Basin NRD nor the Department will require the IMP to be amended solely for the purpose of changing the responsibility of water users within the Tri-Basin NRD based on the failure of other NRDs to implement or enforce an IMP to meet their share of the responsibility to keep Nebraska in compliance with these interstate agreements, and

C. That Tri-Basin NRD's share of that burden will be distributed in an equitable manner, minimizing to the extent possible, adverse economic, social and environmental consequences.

4. Tri-Basin NRD and the Department will continue to support the development and maintenance of water management models, databases, stream gauges, observation wells and other tools and facilities needed to accurately measure and clearly depict the current state of groundwater and surface water resources as well as potential future water resource trends and conditions. More particularly, the agencies will work toward development of a water budget/accounting model that will be used to set annual and longer term targets for water consumption. The model results will be reviewed annually, comparing their output to actual water level and streamflow measurements to determine how well the model mimics reality. The Department and the Tri-Basin NRD will investigate any instances where real-world measurements conflict with model forecasts. After reviewing the models, model results and available data, models will be corrected and improved as needed to improve their accuracy and their ability to simulate actual hydrologic conditions. These tools will be essential for decision makers as they consider whether and how to regulate consumption of integrated water resources. They will also serve as one mechanism to monitor and measure the progress of this IMP.

5. Tri-Basin NRD and the Department will, with limited exceptions allowed by law, limit net consumptive water use within the Platte Basin in Tri-Basin NRD to 2006 levels, except for the overappropriated portion of the Platte Basin (west of Highway 183), where the IMP, in the first increment, will address streamflow depletions to surface water appropriations and water wells constructed in aquifers dependent upon recharge from streamflow, to the extent those depletions are due to water uses initiated after July 1, 1997, as well as ensure compliance with PRRIP.

6. Nothing in this IMP will compel Tri-Basin NRD or the Department to continue to pursue the goals and objectives of this IMP if changes are made in state or federal law that make the integrated management planning process unnecessary or irrelevant.

Overappropriated Area goals:

1. Incrementally achieve and sustain a Fully Appropriated condition.

2. Ensure that no act or omission of the Tri-Basin NRD will cause the state to not be in compliance with any interstate compact or decree or other formal state contract or agreement.

3. Maintain consistency with the Basin-Wide IMP.

Fully Appropriated area goals:

1. To prohibit landowners, with limited exceptions for de minimus uses such as livestock wells and domestic wells that are not capable of pumping more than 50 gallons per minute, from initiating new or expanded uses of water that increase beneficial consumptive use of water within the fully appropriated portion of the Platte River Basin within Tri-Basin NRD;

2. To investigate methods to reduce the impact of vegetative growth, particularly invasive species infestations, on streamflows in the Platte River and its tributaries.

3. To develop, in collaboration with CNPPID and other affected water users, and implement plans to continue groundwater recharge from surface water supplies in amounts sufficient to sustain existing groundwater uses where possible.

4. To certify all land irrigated with groundwater and track transfers and changes in use. The Department will continue to track surface water transfers and those groundwater transfers it has responsibility for.

5. To ensure that Platte streamflows needed for existing surface water appropriations and ground water uses will not be depleted by water uses developed after June 15, 2006. This objective will be accomplished by offsetting depletions caused by new water uses via water conservation incentives, offset projects, mandated reductions in water uses, or some combination of these three methods.

6. To prevent depletions to US Fish and Wildlife Service (USFWS) target flows due to water uses developed after July 1, 1997.

Republican Basin IMP: Tri-Basin NRD initially protected integrated water resources in the Republican Basin under terms of a “joint action plan” drafted under the old LB 108 rules in 2003. Under the terms of that plan, Tri-Basin required flowmeters on all wells that irrigate more than 14 acres, and put a moratorium on development of additional irrigated acres. The district also agreed to maintain groundwater levels at or above 1981-85 average levels. The subsequent IMP, which went into effect in 2012, added several conditions, most important being a requirement to offset depletions by reducing water use or augmenting streamflows. The TBNRD and NDNR agree that the offset requirement is 1000 acre-feet per year through 2017. It will increase to 2000 acre-feet in 2022.

1. Tri-Basin NRD will assist the State of Nebraska, in cooperation with other Natural Resources Districts, in maintaining compliance with the Republican River Compact as

adopted in 1943 and as implemented in accordance with the settlement approved by the United States Supreme Court on May 19, 2003 and other lawful interstate compacts, decrees and agreements relevant to management of the integrated water resources of the district. Furthermore, with respect to interstate compacts, agreements and court decrees, Tri-Basin NRD and NDNR agree:

- A. That ground water and surface water users within Tri-Basin NRD will only be expected to reduce their water use or make up for depletions to streamflow if streamflow depletions are determined to be in excess of the imported water supply.
2. The Tri-Basin NRD and NDNR agree that any reductions in to streamflow depletions will not be required to exceed 2,000 acre-feet per year for the first ten years of this IMP.
3. That neither Tri-Basin NRD nor NDNR will require this integrated management plan to be amended solely for the purpose of changing the responsibility of water users within the Tri-Basin NRD due to the failure of other NRDs to implement or enforce their integrated management plans as needed to meet their share of the responsibility to keep Nebraska in compliance with these interstate agreements, and
4. That Tri-Basin NRD and NDNR will strive to ensure that any economic impacts resulting from Tri-Basin NRD and NDNR's management of Republican Basin virgin water supplies will be distributed in an equitable manner, minimizing to the extent possible, adverse economic, social and environmental consequences.
5. Tri-Basin NRD and NDNR will continue to support the development and maintenance of digital water management models, databases, stream gauges, observation wells and other tools and facilities needed to accurately measure and clearly depict the current state of groundwater and surface water resources as well as potential future water resource trends and conditions. These tools will be essential for decision makers as they consider whether and how to regulate consumption of integrated water resources. They will also serve as one mechanism to monitor and measure the progress of this plan.
6. Tri-Basin and DNR will, with limited exceptions allowed by law, limit groundwater pumping within the Republican Basin portion of the NRD to 2005 levels.