

MINUTES OF THE
 2010 ANNUAL BASIN-WIDE PLAN MEETING
 FOR JOINT INTEGRATED WATER RESOURCES MANAGEMENT
 OF OVERAPPROPRIATED PORTIONS OF THE PLATTE RIVER BASIN
 July 27, 2010
 Gothenburg Water Utilization Learning Center, Gothenburg, Nebraska

Attendance

Jim Schneider	DNR	Keith Rexroth	SPNRD Board
Jennifer	DNR	Larry Reynolds	TBNRD Board
Schellpeper		Jim Rubenthaler	TPNRD Board
Jesse Bradley	DNR	Jim Meisner	TPNRD Board
Ron Bishop	CPNRD	Dean Edson	NARD
Duane Woodward	CPNRD	Alyssa Smola	NARD
Matt Bohnenkamp	CPNRD	Pat O'Brien	NARD
Ron Cacek	NPNRD	Don Kraus	CNPPID
Tina Kurtz	NPNRD	Randy Zach	NPPD
Greg Jackson	NPNRD	Jerry Kenny	PRRIP
Kay Grote	NPNRD	Ann Bleed	Ann Bleed & Associates
Amy Jackson	NPNRD	Steve Smith	Smith, Snyder and Pettit
Rod Horn	SPNRD	Harriet Hageman	Hageman & Brighton, P.C.
Kyle Liebig	SPNRD	Frank Kwapnioski	H ₂ Options LLC
John Thorburn	TBNRD	Don Adams	NebFirst
Bob Dohlgren	TBNRD	Tom Downey	Downey Drilling
Kent Miller	TPNRD	Gerrod Toepfer	Toepfer Farm
Dick Mercer	CPNRD Board	Roric Paulman	Paulman Farms
Gerald Dillman	NPNRD Board	Kevin Derry	Derry Farms Inc.
Gary Darnall	NPNRD Board	Jerrold Hibbs	Hibbs Farm Inc.
Dave Deines	NPNRD Board	Alan Peterson	
Bill Halligan	SPNRD Board	Dennis Miller Jr.	

1. Introductions

Jim Schneider, Deputy Director of the Department of Natural Resources (DNR), began the meeting with introductions.

2. Review Agenda

Mr. Schneider then asked for any revisions to the proposed agenda, no revisions were requested.

3. Discuss Procedures for Basin-Wide Plan Annual Meeting

Mr. Schneider asked for discussion among the Natural Resources Districts (NRDs) regarding the procedures to be followed for chairing this annual meeting. It was proposed and agreed to that the chair position would rotate amongst the NRDs and DNR beginning next year with CPNRD and proceeding with each NRD in alphabetical order: DNR, CPNRD, NPNRD, SPNRD, TBNRD, TPNRD. It was also agreed that the chair would be responsible for generating meeting minutes and would set the meeting location for that year.

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Mr. Schneider then reviewed the process described in the basin-wide plan (BWP) to review any requested changes to the BWP or IMP or presented disputes. The DNR and NRDs plan to take any public or stakeholder requests at the annual meeting and to set a future date to review and draft a response letter to the requesting party.

4. Monitoring and Management Actions

a) DNR

Ms. Schellpeper presented DNR's Annual Report. For the time period of January 2006 through December 2009, DNR issued eight (8) surface water permits, 15 dam safety permits and 12 groundwater permits. DNR's report also summarized data on the population of cattle and of people for the years 1997 and 2005 as well as the 2005 inventory of sandpits and reservoirs less than 15 acre-feet (AF) in volume. DNR's report ended with short summaries of the various activities being carried out by the NRDs and DNR for the purpose of returning to a fully appropriated condition and offsets provided for depletions to the stream.

b) NRD

i) CPNRD

The report was presented by Matt Bohnenkemp. He noted that in 2008 the CPNRD developed new GIS software to track irrigated acres.

Mr. Bohnenkemp discussed variances and water banking in the CPNRD details of which can be found in their report.

The CPNRD began acquiring water rights throughout the overappropriated area in 2007. By 2009 ground and surface water rights were purchased for 2,330 acres resulting in an estimated 1,454 AF gain.

A total of 530 well permits were issued from 2006-2009. Thirty-six of those required variances with offsets totaling 348.8 new acres.

A historic water use survey was sent out to municipalities in April 2010. Fourteen of 26 have been returned. A survey to industrial users will be sent out in late July 2010.

Ron Bishop, CPNRD Manager, added that returns to the river have grown to approximately 2,600 AF to the water bank with that number expected to exceed the 1997 requirement within this calendar year. He stated that the CPNRD is about ten years ahead of schedule. According to information from the NRCS, at least a dozen calls regarding interest in the AWEP program have been received by the NRCS. The CPNRD will be sending out a mailing to people in a 50-99% depletion area with AWEP information including the range of payments that they could receive for permanent retirements.

ii) NPNRD

The report was presented by NPNRD's Manager, Ron Cacek. The report covers the period from September 14 to December 31, 2009.

No new acres were certified and no transfers were approved during this period. One industrial well construction permit was approved with the condition that impacts to surface water must be offset. No new depletions were found to exist

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though as a well was decommissioned in the process. No other permits were issued and no variances approved.

Mr. Cacek discussed flow meter readings collected in October 2009. Twenty-six flow meters failed during the irrigation season and power records are being utilized to determine pumpage.

iii) SPNRD

Kyle Liebzig presented the report for SPNRD. Mr. Liebzig discussed certified acreage and transfers.

Nineteen well permits were approved from 2006-2009 with 15 of those as irrigation replacement wells and three approved wells were not built. One industrial well was approved with an offset in the reduction of an irrigation allocation.

Mr. Liebzig discussed variances in the NRD and flow meter data for the period. Permanently retired acres total 1,043 with an estimated 398 AF accretion benefitting Lodgepole Creek.

iv) TBNRD

The report was presented by John Thorburn, Manager of TBNRD. Mr. Thorburn discussed certified irrigated acres, including those served by the Central Nebraska Public Power and Irrigation District (CNPPID).

He noted that TBNRD is unusual in the state due to the "groundwater mounds," which are areas where groundwater levels are higher than even before irrigation was developed. This occurs due to enhanced recharge due to water diverted from the Platte through the CNPPID canals and applied then to the land.

Certified acres are allowed to be transferred within the TBNRD within a river basin, with several exceptions. Transfers are not allowed from fully appropriated (FA) portions of the Platte into overappropriated (OA) portions, but are allowed from OA to FA.

TBNRD approved 27 certified acre transfers since 2006 totaling 506.32 acres in the Platte Basin. Groundwater transfer permits from the NRD are required when groundwater is pumped off the landowner's land to another landowner's adjoining property. Twenty-five of these permits have been issued.

There is a moratorium on new wells in the TBNRD. Thirty-nine conditional/replacement well permits have been issued for wells that serve existing certified irrigated acres. Thirty-three of these are supplemental to surface water. The primary condition on these well permits that supplement surface water is that they must maintain contracts with CNPPID for the life of well.

Mr. Thorburn discussed replacement wells and variances. Flow meters are required on TBNRD wells that are associated with groundwater transfers, any new wells, and any irrigation system where the owner receives cost share from the TBNRD.

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Mr. Thorburn discussed their work with CNPPID diverting water into Elwood Reservoir at times of high flows. He noted that there is credit to be claimed within the district for land utilizing no till and minimum till farming practices. TBNRD is in the process of negotiating a contract with CNPPID for water lease rights for 2011 claiming additional AF credits for water being returned to the Platte near the J2 return. These will be credited against post-1997 depletions.

v) TPNRD

The report was presented by Kent Miller, Manager of TPNRD. There is currently a stay on new irrigated acres in the TPNRD. There is a total of 317,697 certified irrigated acres in the NRD. Forty-eight transfers were approved during the period of 2006-2009. Of these transfers 2,059.2 acres were moved and total decertified acres were 2,153.85 acres. Supplemental groundwater permits are allowed as long as certified irrigated acres do not increase. Fifteen new supplemental wells were approved during the period of 2006 – 2009.

TPNRD is working with municipalities regarding accounting methods this summer as previous software efforts failed. In addition, water banking software is being developed similar to the one used by CPNRD. This should be available later this summer.

Low level infrared photography is being utilized to enforce no new certified acres. This was done in 2004, 2009 and this summer. It is yet to be determined whether the photography will be done annually or biannually in the future.

The TPNRD board has levied the maximum allowed to be levied in the area. TPNRD has budgeted \$2.5 million annually (\$7.5 million over the three year period) for accretion to get back to 1997 numbers. In addition, there are AWEP funds for the area that are currently available.

A case study is being conducted with Western Irrigation District west of Ogallala to analyze how to operate an irrigation district differently, converting their surface water use entirely to groundwater irrigation, storing the surface water and retiming it to have a benefit in accretions to the river.

c) New Data and Information/Studies

Mr. Schneider pointed out that an additional study to those mentioned in the above reports is the NPNRD's Management Options Plan study funded through Interrelated Water Management Plan Program Funds.

d) Next Steps

Mr. Schneider described that the DNR and NRDs would work to standardize and agree upon the depletions calculations. In addition, the DNR and NRDs will take the information gathered in the reports and perform the annual analysis and that data would also feed into the robust review process described in the IMPs. Following that, the reports would also be used to generate the reports required by the Nebraska New Depletions Plan. The five year review period ends this year and the report must be presented to the Governance Committee by the end of 2011.

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5. Proposed Revisions to the Basin-Wide Plan or to Individual IMPs & Disputes

- a) No requests were made by DNR or the NRDs regarding any proposed revisions or to the IMPs themselves.
- b) A letter was received by the DNR from CNPPID pursuant to the provisions of the BWP. Don Kraus provided comments from CNPPID's request for revisions to the BWP and presentation of disputes. The CNPPID knows that the reservoir releases and rainfall will not last and thus, they are recommending changes to the BWP. The CNPPID believes that the use of the hydrologically connected groundwater within the NPNRD exceeds the amount that is reasonable. Depletions exceed available supplies and affect uses. Affected uses include irrigation, hydropower, recreation, endangered species, recharge, instream flows, and return flows to the Platte and Republican Rivers. The groundwater uses within the NPNRD cause conflict with these other uses. The plan should resolve conflicts and it needs to be clear. If groundwater use in the state is more important, a reallocation may be needed and it may be unconstitutional unless compensation is provided. The CNPPID recommends reducing pumping in the NPNRD so that groundwater depletions are reduced 50% by the end of the first increment and to begin compensating NPNRD users for the loss of their groundwater supply.

6. Public Comment Period

Dennis Miller of Garden County commented that it is possible for downstream users to have impacts on upstream users (for example, if water is pumped downstream of Lake McConaughy that reduces flow in the river, a call for water by a downstream user from a junior upstream water user would take water from the upstream water user). He noted that the entire basin is impacted and that is an important thing to be kept in mind.

Mr. Toepfer questioned why the NPNRD is more regulated regarding water usage than other NRDs located downstream.

Larry Reynolds requested that the DNR review the calculation of credits described in the TBNRD testimony for the NRD lease of surface water from CNPPID. The report states 1633 AF yet he believes that the accurate number is 2500 AF at the diversion point going into the river. He would like to get credit for all the water that is put back into the river.

Mr. Smith asked Don Kraus for a further evaluation of what was done as the basis of his assertions. Mr. Kraus supplied additional information to the DNR and he will supply a copy of the additional information to the requestor.

Mr. Smith asked Don Kraus whether materials presented were different or newer than the information presented at the basin-wide hearing. Mr. Kraus stated that new information was presented by Bill Hahn regarding modeling and the recharge/bump issue that supported Lytle's report.

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7. Meeting Summary

a) Action Items

DNR and the NRDs will schedule a meeting to review the CNPPID request and to discuss the annual review procedures.

b) Schedule Next Annual Meeting

Next year's meeting will be held July 26, 2011, in Grand Island. Written revisions need to be submitted 30 days prior to the meeting by June 26, 2011. Each year thereafter, it will be on the fourth Tuesday of July.

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