STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Water Administration of the Republican River Basin	)	ORDER
	)	COMPACT CALL YEAR IN EFFECT
Water Division 1-B	)	

The above entitled matter came for consideration before the Director of the Department of Natural Resources on his own motion. The Director FINDS:

1. The State of Nebraska adopted and ratified the Republican River Compact as entered into by the states of Colorado, Kansas and Nebraska, which allocates the annual water supply among the three states. A copy of the Compact is located at Nebraska Revised Statute Appendix § 1-106.

2. Nebraska Revised Statute § 61-206 gives the Department of Natural Resources (Department) jurisdiction over all matters pertaining to water rights for irrigation, power, or other useful purposes except as such jurisdiction is specifically limited by statute.

3. The Republican River Basin was designated as fully appropriated in accordance with procedures set forth in Nebraska Revised Statute § 46-714 on July 16, 2004.

4. Nebraska Revised Statute § 46-715 required the Department to jointly develop an integrated management plan with the natural resources districts encompassing the Republican River Basin. Integrated management plans have been jointly developed with the Upper Republican, Middle Republican, Lower Republican, and Tri-Basin Natural Resources Districts in accordance with procedures set forth in Nebraska Revised Statute §§ 46-715 through 46-718.

5. Nebraska Revised Statute § 46-715 (4)(b) requires that the groundwater and surface water controls proposed for adoption in an integrated management plan, when considered together and with any applicable incentive programs, shall be sufficient to ensure that the State of Nebraska will remain in compliance with applicable state and federal laws and with any applicable interstate water compact or decree or other formal state contract or agreement pertaining to surface water or ground water use or supplies.

6. Nebraska Revised Statute § 46-715(6) requires that in any river basin, subbasin, or reach that is designated as fully appropriated or overappropriated and whenever necessary to ensure that the State of Nebraska is in compliance with an interstate compact or decree or formal state contract or agreement, the Department, in consultation with the affected Districts, shall forecast on an annual basis the maximum amount of water that may be available from streamflow for beneficial use in the short term and long term in order to comply with the requirement of § 46-715 (4)(b).

7. To ensure compliance with the Compact, the integrated management plans contain surface water controls to be administered by the Department as provided in Nebraska Revised Statute §§ 46-715 and 46-716.

8. Based on the forecast procedures set forth in each of the Republican River Basin integrated management plans, the Department has determined that 2014 is a Compact Call Year. This Compact Call Year will require that Nebraska's computed beneficial consumptive uses above Guide Rock do not exceed the sum of Nebraska's allocation and imported water supply credit above Guide Rock, as specified in Subsection V.B of the Final Settlement Stipulation entered in *Kansas v. Nebraska and Colorado*, No. 126 Orig., dated December 15, 2002, and approved by the United States Supreme Court on May 19, 2003.

9. During Compact Call Years, as determined from the procedures and analysis set forth in the Monitoring and Studies Section of the integrated management plans, DNR will regulate and administer surface water in the basin as necessary to ensure Compact compliance. During Compact Call Years, DNR will issue a "Compact Call" on the Republican River at Hardy or Guide Rock to carry out administration for the Compact in a manner consistent with Nebraska law, including the integrated management plans.

10. A "Compact Call" results in the Department issuing closing notices on all natural flow and storage permits in the basin until such time as the Department, in consultation with the Republican River Basin natural resources districts, determines that yearly administration is no longer needed to ensure Compact compliance.

Therefore, based on the foregoing and for good cause, it is hereby ORDERED A COMPACT CALL YEAR is in effect. All surface water appropriations in the Republican River Basin above the Guide Rock Diversion Dam are hereby CLOSED as of January 1, 2014, and shall remain closed until further notice by the Department.

IT IS FURTHER ORDERED:

That Closing Notices shall be sent immediately, along with a copy of this Order, to all surface water appropriators, in the Republican River Basin.

IT IS FURTHER ORDERED:

That this Order shall not preclude the diversion and subsequent use of water stored prior to the Effective Date of the closing notices.

DEPARTMENT OF NATURAL RESOURCES

January 2, 2014

Brian P. Dunnigan

Brian P. Dunnigan, P.E., Director