From Litigation to Cooperation: The Changing World of the Republican River Basin

AWRA Spring Specialty Conference: Setting Conditions for the Success of Integrated Water Resources Management
March 26, 2019

The Republican Basin
Where We Were: Contention and Litigation
Shifting Dialogue
Where We Are Now: Investing in the Basin Together

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NEBRASKA
Good Life. Great Water.
DEPT. OF NATURAL RESOURCES
The Republican River Basin

Who manages water?
The Republican River Basin

Colorado

Nebraska

Kansas
Where We Were: Contention & Litigation

1998–2002
Litigation (US Supreme Court)

2002
Final Settlement
Stipulation
Where We Were: Contention & Litigation

1998–2002
Litigation (US Supreme Court)

2002
Final Settlement Stipulation

2010–2015
Litigation (US Supreme Court)
Where We Were: Contention & Litigation

1998–2002
Litigation (US Supreme Court)

2002
Final Settlement
Stipulation

2010–2015
Litigation (US Supreme Court)

2014–2017
5 in-state lawsuits
Shifting Dialogue

From contention, litigation, and reaction to cooperation, investment, and proactive management
Shifting Dialogue

From contention, litigation, and reaction to cooperation, investment, and proactive management
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From contention, litigation, and reaction to cooperation, investment, and proactive management
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From contention, litigation, and reaction to cooperation, investment, and proactive management
Questions of Authority
Nebraska’s compliance

How would Nebraska comply with the Compact moving forward?
Compensation

Does Nebraska owe compensation:
  • For non-compliance?
  • For administration of water for compliance?
Accounting and Compliance Test Issues
Communication
Communication Barriers

- Colorado
- Nebraska
- Bureau of Reclamation
- Natural Resources Districts (NRDs)
- Individual Water Users
- Kansas
- Irrigation Districts
Communication Barriers

- Colorado
- Natural Resources Districts (NRDs)
- Bureau of Reclamation
- Nebraska
- Individual Water Users
- Kansas
- Irrigation Districts
Improving Interstate Communication "Three-States" Meetings

May 2010–Mar. 2015
Litigation (US Supreme Court)

July 2014–?
Three-States Meetings

Colorado
Nebraska
Kansas
Improving Interstate Communication "Three-States" Meetings

Principles

- Water Users' Needs > Strict Accounting
- Transparency & Information Sharing
- Commitment to resolve key issues
Communication Within Nebraska: Republican River Basin-Wide Plan

  5 in-state lawsuits

- Mar. 2015 – June 2018
  RRBWP Stakeholder Meetings

- Nebraska DNR
- Natural Resources Districts (NRDs)
- Stakeholder Advisory Committee
Communication Within Nebraska: Republican River Basin-Wide Plan

July 2014 – Dec. 2017
5 in-state lawsuits

Mar. 2015 – June 2018
RRBWP Stakeholder Meetings

Nebraska DNR
Natural Resources Districts (NRDs)

Stakeholder Advisory Committee

Bureau of Reclamation
Irrigation Districts
Individual Water Users
Other Water Interests
Science and Accounting
Science and RRCA Accounting

- Approve past accounting
- Develop Resolutions to guide future
Science and Integrated Management Planning

IMPLEMENTATION
- Water Management Projects
- Strategic Planning Actions

PLANNING AND PUBLIC PARTICIPATION
- Goals and Objectives for Water Planning
- Stakeholder Involvement
- Water Availability and Water Shortages
- Water Supplies and Water Uses
- Hydrologic Models, Data, and Analyses

MONITORING

PLAN REFINEMENT

IMPLEMENTATION

PLAN DEVELOPMENT

SCIENTIFIC ASSESSMENT

PROGRESS TOWARD GOALS
Accounting Update Discussions

- Commitment to transparency
- Increase confidence in water supply
- More time for planning management actions
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Where We Are Now:
Investing in the Basin Together

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Investing in the Basin Together
Investing in the Basin Together

Science
Investing in the Basin Together

Science

Planning
Investing in the Basin Together

Science

Planning

Infrastructure
Investing in the Basin Together

Science  
Infrastructure  
Planning  
Relationships
### Investing in the Basin Together: Interstate Examples

<table>
<thead>
<tr>
<th>Colorado Settlement</th>
<th>Nebraska intends to use its $4 million for surface water-related projects in the basin</th>
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<tbody>
<tr>
<td>Long-term RRCA resolutions</td>
<td></td>
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<tr>
<td>Ongoing Three-States meetings</td>
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<tr>
<td>Discussions and memorandum of agreement on how to distribute water stored in Harlan County Lake between irrigation districts</td>
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## Investing in the Basin Together: Nebraska Examples

<table>
<thead>
<tr>
<th>Irrigation Districts</th>
<th>Nebraska</th>
<th>Bureau of Reclamation</th>
<th>Natural Resources District (NRD)</th>
<th>Rubicon gate projects (for surface water delivery efficiency); includes ~$7 million from Nebraska’s Water Sustainability Fund + local match</th>
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<tbody>
<tr>
<td></td>
<td>Nebraska</td>
<td>Natural Resources Districts (NRDs)</td>
<td></td>
<td>~$20 million (state funding + local match) for future projects to reduce consumptive use, enhance streamflow, or enhance recharge</td>
</tr>
<tr>
<td>Irrigation Districts</td>
<td>Natural Resources Districts (NRDs)</td>
<td>Bureau of Reclamation</td>
<td>Nebraska DNR</td>
<td>Conjunctive management partnerships (FVID/MRNRD; NBID/LRNRD)</td>
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<tr>
<td></td>
<td>Nebraska DNR</td>
<td>Natural Resources Districts (NRDsa)</td>
<td>Stakeholders</td>
<td>Basin-Wide Plan &amp; Integrated Management Plans</td>
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<td></td>
<td>Natural Resources Districts (NRDsa)</td>
<td>Individual Water Users</td>
<td></td>
<td>Investments in soil moisture probes and other tools to help producers reduce groundwater pumping</td>
</tr>
</tbody>
</table>
Summary

- In recent years, the basin's water managers have put considerable effort into collaborative planning and management to increase certainty for the basin's water users.

- The shift in approach from litigation to cooperation has been very rapid and deliberate.
Thank You

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