

Meeting Notes for the  
TRI-BASIN NRD REPUBLICAN RIVER IMP ANNUAL MEETING  
July 23, 2014, 1:00 PM CDT  
Tri-Basin Natural Resources District  
1723 N. Burlington St., Holdrege, Nebraska

1. Introductions

a. The meeting was called to order by John Thorburn, TBNRD General Manager

b. **Attendees:**

Nolan Little, TBNRD

Tammy Fahrenbruch, TBNRD

Ray Winz, TBNRD

John Thorburn, TBNRD

Jesse Bradley, NDNR

Carol Flaute, NDNR

2. Review Agenda & Meeting Purpose

a. **Agenda Review:** Thorburn asked for clarification of whether agenda item #4, Review of Modeling Analysis, was related to the modeling work NDNR had done on the augmentation site. Bradley confirmed that it was and that he included it on the agenda to give the opportunity for follow-up, as TBNRD received the materials in February.

b. **Meeting Purpose:** Thorburn summarized the meeting purpose as being for the annual review of integrated management planning activities, to exchange and review reports, and to consider any actions that may be necessary.

3. Monitoring & Management Actions

a. **NDNR Report** (Bradley)

i. **Permitted Activity:** No permits were issued, so no offsets were required.

ii. **Compact Call:** Last year was a Compact Call year, and this year is, too. For 2013, Administration for the Compact Call went until it was lifted around July 1, and it was kept off for most of the year at that point. The Compact Call for this year was lifted again around July 1, 2014, and NDNR hopes to keep it off for the remainder of the year.

iii. **Agreements with Irrigation Districts in the Basin:** NDNR has put into place agreements to compensate Frenchman Cambridge, Frenchman Valley, and Nebraska-Bostwick Irrigation Districts for reduced (or no) diversion of water upon receipt of an opening notice. Bradley reviewed the terms of the agreements.

iv. **Harlan County Reservoir:** Thorburn asked whether water is currently being released from Harlan. Bradley confirmed that it has been for about the past two weeks, but that some inflow is also being maintained.

v. **Stream Gage Data:** Stream gage data are available in the report. NDNR will send the data to TBNRD electronically, as well.

- vi. **Assessment of Streamflow Depletions:** Bradley reviewed a chart showing a projection of groundwater depletions and mound credit, using data through 2013.
  - 1. Bradley noted a fairly significant depletion of the mound over the last two years, which is typical for dry years.
  - 2. He also noted that the red line is affected by the accounting issue that is before the Supreme Court: Nebraska believes that depletion numbers are inflated and that the red line will go down if the Supreme Court rules to fix this issue. The blue line would not change. Oral arguments before the Supreme Court will occur on October 14. A ruling from the Supreme Court is likely early next year.
- vii. Bradley reminded those present to recognize that all of the data are subject to potential change because they are not finalized for the purposes of accounting.

b. **TBNRD Report** (Thorburn)

- i. **Overall Certified Irrigated Acres:** In addition to reviewing the data in the report, Thorburn noted that the numbers have fluctuated from year to year, which is partly the result of assessor corrections and partly the result of variances or corrections of certified irrigated acres.
- ii. **Transfers of Irrigated Acres:** In addition to reviewing the data in the report, Thorburn described the process of discounting the number of acres transferred from the source for transfers that would result in an increase in depletions.
- iii. **Well permits:** No new well permits were issued. Thorburn stated that the only circumstance in which a new well permit would be issued would be for a transfer of certified irrigated acres to land that had not previously had a well. While no new well permits were issued, some existing wells were replaced.
- iv. **Variances:** Thorburn explained that variances could be due to corrections by county assessors or to landowners asking TBNRD to add certification to acres with an existing history of irrigation use. TBNRD added a new condition for landowners last year: the land must have been irrigated 3 of the last 5 years.
- v. **Municipal Water Use Data:** Bradley asked for clarification of whether the data in the report represented a net, as some of the municipalities treat water and return it to the system. Thorburn clarified that the data in the table represent just what the Municipalities pump. He also indicated that Holdrege treats their water and puts it into Sacramento Creek, which is technically a Republican Tributary but does not reach the Republican River. Arapahoe's water does go to the Republican after treatment, and the other two towns (Wilcox and Atlanta) have sewage lagoons, so their

municipal use is all consumptive.

- vi. **Flowmeter Data:** Flowmeters are required on all wells in the Republican Basin that irrigate more than 15 acres. Data are included in the report.
- vii. **Retired Acres and Other Activities:** The report lists several occasions when TBNRD has worked with Central Public Power and Irrigation District and NDNR to divert water into Elwood Reservoir. It also tallies retired acres through the EQIP and CREP programs and acres involved in conservation tillage.
- viii. **Groundwater Observation Wells:** A map of the observation wells in the Republican Basin portion of TBNRD is included in the report.
- ix. **Groundwater Quantity Issues in Southern Gosper County:** TBNRD looked closely at the three-year rolling average in comparison with average water levels from a reference period of 1981 to 1985. Thorburn summarized TBNRD's analysis:
  - 1. **Union Township:** Union Township's levels are well below the reference period. Union Township is the only township in the TBNRD portion of the Republican River Basin that currently has limited pumping. Water levels appeared to be recovering well until approximately 2012-2013, due to the drought. Union Township's water levels in the dry period were better than the water levels of non-allocated areas, which is encouraging as evidence that allocations are making a difference.
  - 2. **Elk Creek Township:** Elk Creek is currently in Phase II, which means that there are some limits on things like transfers of irrigated acres. TBNRD expects water levels to fall below the reference period this next spring (2015), which would trigger allocation (Phase III). This is where the Arapahoe municipal wellfield is located. Arapahoe's ability to limit use is basically confined to residential lawn watering and domestic use (no large commercial uses, industrial uses, golf courses, etc.). TBNRD would make a decision about allocation next spring, which would not apply until 2016.
- x. **Augmentation Well:** Thorburn stated that TBNRD is in negotiations with a landowner for an augmentation well site. It looks like they will be able to drill this fall. They have only budgeted for one well now, but would like to do another one upstream later.

c. **Discussion and Evaluation of Data and Studies**

- i. **Update Process for RRCA Accounting:** Bradley said that one thing NDNR will be looking at is improving the data update process for RRCA Accounting. NDNR will be looking to partner with TBNRD and other NRDs to streamline the process. NDNR will be moving forward on this within the next few months.

- ii. **PRRIP Analysis of E65 Canal:** Thorburn brought up the PRRIP analysis of the E65 canal and asked what should be done with it. Bradley noted that he has a concern with the analysis, related to the report's statement that because the canal is on the other side, it will not benefit the Platte River. He believes this is an overstatement because groundwater does not work that way, and Thorburn agreed. Bradley is waiting to discuss his concern with Jim Schneider at NDNR before following up on it. TBNRD also has a concern with the data used, in that it seems like the analysis used Central's observation wells on the Platte side, which are very close to their canals and the river, but used TBNRD or Irrigation wells on the Republican side – is this comparing apples to oranges?

d. **Information and Education**

- i. **Basin-Wide Planning Process:** Bradley asked Thorburn whether the public notice had been run yet. Thorburn believes that it has been run already but will double check. Bradley described the process for people to register to be a stakeholder through the end of August. NDNR has been putting together an RFP to bring in a consultant for the coordination and facilitation of the stakeholder group. There will be a lot of education and outreach activities related to the basin-wide plan. An initial kickoff meeting is targeted for the beginning of November.

Thorburn suggested that the Holdrege Water Conference in February might be a good opportunity to talk to the public about the basin-wide planning process.

- ii. **South Platte Flooding Newsletter:** Bradley said that NDNR just released a special edition newsletter/handout about the events of the South Platte Flooding. NDNR can get copies to TBNRD if they are interested. Bradley asserted that NDNR is always open to additional joint-coordinated activities like this, if TBNRD has other ideas.
- iii. **Small Dams:** Thorburn said that TBNRD has received some phone calls related to the letter that went out in June to the owners of small dams. Bradley summarized the purpose of those letters as to remind those dam owners that unpermitted diversions must let water pass when permitted uses are closed in the basin. NDNR is continuing to look at the process of working with unpermitted dams to get permits. About half have come in voluntarily to pursue the variance process to get permits.

4. **Review of Modeling Analysis**

- a. **Summary of Modeling Analysis:** Bradley reviewed NDNR's analysis of two potential augmentation sites identified by TBNRD, looking at what depletion would be from new pumping vs. letting the water go to the stream, also looking at considering recharging water in Elwood Reservoir or the E65 Canal every 5 years. Bradley noted that the values bounce around a lot due to climate variation, but that the overall trend is a decaying net benefit over time. Under current accounting procedures, TBNRD would see net benefits 60 years in the future.

With the revised account procedures that Nebraska hopes will be adopted, it would be even better. Bradley noted that the Special Master's Report, a brief from the U.S. Solicitor General's Office, and Colorado all support the accounting change, so it looks favorable that the accounting issue will be fixed unless there is a legal technicality preventing it.

- b. **Data Exchange:** Bradley and Thorburn to focus on database exchange and accounting improvements. Fahrenbruch raised the issue of new vs. old data exchange processes. To be able to exchange data in January, TBNRD would need the new process in place beginning in August. Bradley responded to use the current process this year, and that we can then test the new form with this year's data. Because it will take several months for the new process to be ready, it will not be available in August.

## 5. Republican River Basin-Wide Activities

- a. **Summary of Plan Requirements under LB1098:** Bradley outlined what LB1098 requires for the basin-wide plan. The Republican basin must put together a basin-wide plan similar to the Platte Basin's, but LB1098 specifies some additional named stakeholder groups. It is open to anyone, as there is no way in the statute to limit involvement. There may be a large number of people; if it is a large number of people, we will ask the consultant how to manage that. The statute specifies that the plan must be done within three years, with two possible one-year extensions. The plan will be required to have some linkage between monitoring and goals, as well as that metrics be set for how to track progress towards achieving the plan's milestones. There are requirements for touching in with stakeholders every five years, having public hearings, and reporting on those hearings and on progress towards meeting the goals. The overarching goal is to work to achieve a balance while recognizing that socioeconomic factors need to be considered.
- b. **Controls:** Thorburn asked whether, since the basin-plan will not have controls in it, TBNRD would have to have the same controls as the other basins, as well as whether objectives could be unique to the District, in line with what already exists in the IMP. Bradley said nothing in the basin-wide plan would require the IMP to be changed unless the IMP was inconsistent with the goals of the basin-wide plan.
- c. **Reaching Agreement:** Thorburn stated that the Districts and Department would need to reach agreement, but not necessarily the stakeholders. Bradley confirmed this statement, adding that if all of the stakeholders agree, we are supposed to adopt that plan.
- d. **Meeting Schedule:** The first stakeholder meeting will probably be in November, and will likely continue every other month, with intervening coordination meetings.

## 6. Other IMP Topics

- a. **Reporting Requirements:** Bradley asked for clarification about why reporting on the amount of water stored in surface water storage facilities was in the IMP, as NDNR does not really have this type of data. NDNR tracks surface area, but not

storage area volume. Thorburn could not recall a specific reason for including this in the IMP and stated that he thought it might have been boilerplate language.

**7. Public Comment Period**

- a. No public comments.

**8. Meeting Summary**

**a. Action Items**

- i. **Updating and Streamlining the Reporting Process:** This will be the focus for the next year.
- ii. **TBNRD augmentation project**
  - 1. TBNRD will proceed with the augmentation project
  - 2. Thorburn asked whether there might be an opportunity for state assistance with this. Bradley replied the money from the NDNR's NET application for the next three year period is committed to the Platte Basin; however, there is also \$9.9 million from the general fund for the next three years that is uncommitted and that might be an opportunity. Thorburn stated that the well, pipeline, and stream cleaning are budgeted for approximately \$185,000, and that TBNRD would be glad to get a 50% cost share on it. Bradley stated that NDNR tends to do a 60% state/40% local cost share. Bradley will bring this possibility up to Jim Schneider. TBNRD will share more firm estimates of the cost when they have it. Thorburn said that a cost share from NDNR on the project might give TBNRD the opportunity to accelerate the project and be able to do two wells instead of one. There may be some cost savings (such as for well drilling) associated with doing two wells at once instead of separately. TBNRD will get estimates.

**b. Schedule Next Annual Meeting**

- i. The meeting will be scheduled for the same timeframe next year, targeting the second half of July. TBNRD prefers to have standalone meetings rather than having the meeting in conjunction with something else. NDNR will contact TBNRD to set the date.