

**Nebraska's Report to the
Republican River Compact Administration
August 28, 2014**

Commissioner's Report

The State of Nebraska is, again this year, in compliance with the Republican River Compact. Using current accounting procedures, Nebraska has had positive balances since 2007, which has led to compliance with the five year averages. Based on preliminary estimates, Nebraska will again be in compliance with the two-year and five-year period ending in 2014. Furthermore, Nebraska's compliance balances would be improved substantially by implementation of the modified Accounting Procedures recommended by Special Master Kayatta.

Nebraska's compliance efforts through 2014 have been substantial, affording Kansas' water user's full access to Kansas' allocations. This has occurred as prescribed through implementation of the third generation integrated management plans, which contain forecasting provisions and controls that have ensured that Nebraska would take sufficient actions for Compact compliance in 2014.

The basin NRDs continue to demonstrate an on-going commitment to compliance through their significant investment in programs and projects that will reduce and/or offset depletions in the Basin. These include the augmentation project in Rock Creek, which provided for water for compliance in 2013 and 2014, and the N-CORPE augmentation project in Medicine Creek, which began operations in 2014. Other programs have included permanent and temporary retirement of surface and groundwater irrigated lands throughout the basin and leases of surface water.

The Department continues to look forward to working to assess various water management alternatives through the WaterSMART Basin Studies program and utilize the tools that have been developed as part of this study to evaluate system improvements and operational improvements that can be made throughout the Basin. Implementation of these system improvements will require partnerships with the irrigation districts, natural resources districts, and the Bureau of Reclamation. I do believe that through cooperation these partnerships can lead to a more prosperous outcome for all Nebraska water users.

During the course of the 2014 Nebraska Legislative session a new water funding process was established. This new set of laws defines governance for administering the new Water Sustainability Fund. This fund represents a significant increase in funding for water projects aimed at addressing both water quality and water quantity issues across Nebraska. The legislation also provides for additional basin-wide planning processes, which will include the Republican River Basin. These new planning processes will not displace the most recent IMPs, but will provide for greater stakeholder participation in integrated management planning and increase the feedback loop through these plans. The Department will soon begin working with NRDs and other stakeholders to develop the basin-wide plan for the Nebraska portion of the Republican River Basin.

The last year has seen Nebraska bring several time critical issues before the RRCA to be addressed. Nebraska's efforts to resolve these issues have resulted in arbitration hearings on three key issues. These issues include implementation of the Rock Creek Augmentation Plan, implementation of the N-CORPE Augmentation Plan, and the implementation of the Alternative Water-Short Year Plan. The arbitrator's ruling on each of these three issues has principally sided with Nebraska. However, subsequent to the substantial efforts invested by Nebraska in the arbitration process Nebraska once again finds itself in a position where Colorado has supported implementation of Nebraska's proposals, and Kansas has not. Kansas' refusal to provide Nebraska full credit for its augmentation projects or to approve Alternative Water Short Year accounting has been a burden on Nebraska water users.

I am hopeful that recent efforts by the state of Kansas to bring additional resources to bear on the resolution of these key issues previously brought before the RRCA will set a new path forward. As Commissioners of the RRCA we must exercise our duties to find solutions to such issues and provide clear and transparent processes that each state can utilize and depend on to resolve the concerns. Not engaging in such efforts will likely put us on a path for further litigation and diminish opportunities that would otherwise be available to each state's water users. We should be reminded of Special Master Kayatta's concluding remarks in his report to the United States Supreme Court in which he stated "...the issuance of this Report also hopefully provides an occasion on which the States can resolve to proceed forward with greater consensus based on the knowledge that their interests in administering the waters of the Basin will be more aligned."

Report of Field Activities in the Republican River Basin in Nebraska for the Calendar Year 2013

During the 2013 calendar year, Department field office staff completed many onsite visits throughout the basin.

Field office staff conducted approximately 440 reservoir compliance visits: these visits included installation of steel posts that are used as gages for water level in the reservoir, taking pictures at each site, and measurements of outlet works and dam height. All reservoirs under NDNR jurisdiction were inspected by the end of March of 2013. Many reservoirs received additional inspections throughout the year depending on rainfall across the area.

Field office staff also conducted approximately 410 stream gage visits throughout 2013: During such visits streamgage measurements were performed, gage heights recorded, and various equipment maintenance was done. Monthly measurements are made at each of the 21 permanent Department operated stream gaging stations. NDNR also performs periodic stream gage measurements at USGS stations and many other seasonal stations in the Basin.

Field office staff conducted approximately 320 on site water administration investigations: Water administration investigations include reading and recording flow meter values, recording crop and irrigation type, and streamflow if necessary. I will now describe the details of the administrative actions carried out in support of water administration activities for 2013.

Report of Water Administration Activities for the Republican River Basin in Nebraska for the Calendar Year 2013

January 1, 2013

Letters were sent to all irrigation and storage permit holders notifying them that a Compact Call Year was in effect.

January 1, 2013

Closing notices were mailed to all irrigation and storage permit holders above Guide Rock Diversion Dam.

January 14, 2013

Letters were sent to irrigators reminding them that the 2012 Water Use Reports must be filled out and filed with the Cambridge Field Office or that they will be closed to irrigation for the entire 2013 calendar year.

April 1, 2013

Four (4) letters were mailed to the Bureau of Reclamation notifying them that they were required to release Compact water stored in the Federal Reservoirs.

May 1, 2013

Four (4) letters were mailed to the Bureau of Reclamation notifying them that they were required to release Compact water stored through that period.

May 1, 2013

One (1) letter was mailed to the Army Corps of Engineers notifying them that they were required to release Compact water stored in Harlan County Reservoir.

June 25, 2013

Seven (7) opening notices were issued to irrigators.

June 25, 2013

Four (4) closing notices were issued to storage permit holders.

June 26, 2013

Nine (9) opening notices were sent to irrigation permit holders.

June 26, 2013

Eighty-six (86) closing notices were issued to storage permit holders.

June 28, 2013

Three (3) opening notices were issued to irrigation permit holders.

June 28, 2013

Four (4) closing notices were issued to storage permit holders.

July 1, 2013

Fifty-four (54) opening notices were issued to irrigation permit holders.

July 1, 2013

Seventy-nine (79) closing notices were issued to irrigators in the Republican Basin.

July 1, 2013

Eighteen (18) closing notices were mailed to storage permit holders notifying them that they could not raise the current water level in their reservoirs.

July 24, 2013

Sixty-nine (69) opening notices were sent to irrigation permit holders.

July 24, 2013

Seventy-nine (79) closing notices were issued to irrigation permit holders.

September 1, 2013

One hundred-sixty (160) closing notices were issued to irrigation and storage permit holders.

September 3, 2013

Three (3) opening notices were issued to permit holders.

December 09, 2013

Water Use Reports were mailed to all irrigation permits in the Republican Basin with the exception of federally owned canals.