

# Appendix G

SECOND INCREMENT PLANNING PUBLIC PARTICIPATION

# PUBLIC PARTICIPATION PLAN

FOR THE SECOND INCREMENT - UPPER PLATTE BASIN-WIDE PLAN  
DEVELOPMENT (2016 – 2019)

March 2016

## Public Participation Plan Development Committee Participating Organizations

### Irrigation Districts

Central Nebraska Public Power and Irrigation District  
Nebraska Public Power and Irrigation District  
Pathfinder Irrigation District

### Natural Resources Districts

Central Platte                  South Platte                  Twin Platte  
North Platte                  Tri-Basin

### State of Nebraska

Department of Natural Resources

## Public Participation Plan Development Committee

*Brian Barels*

*Nebraska Public Power District*

*John Berge*

*North Platte Natural Resources District*

*Barb Cross*

*North Platte Natural Resources District*

*Ann Dimmitt*

*Twin Platte Natural Resources District*

*Mike Drain*

*Central Nebraska Public Power and Irrigation District*

*Travis Glanz*

*South Platte Natural Resources District*

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*South Platte Natural Resources District*

*Don Kraus*

*Central Nebraska Public Power and Irrigation District*

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*Ryan Reisdorff*

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*Jeff Shafer*

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*Dennis Strauch*

*Pathfinder Irrigation District*

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*Tri-Basin Natural Resources District*

*Lyndon Vogt*

*Central Platte Natural Resources District*

*Jessie Winter*

*Nebraska Department of Natural Resources*

*Tracy Zayac*

*North Platte Natural Resources District*

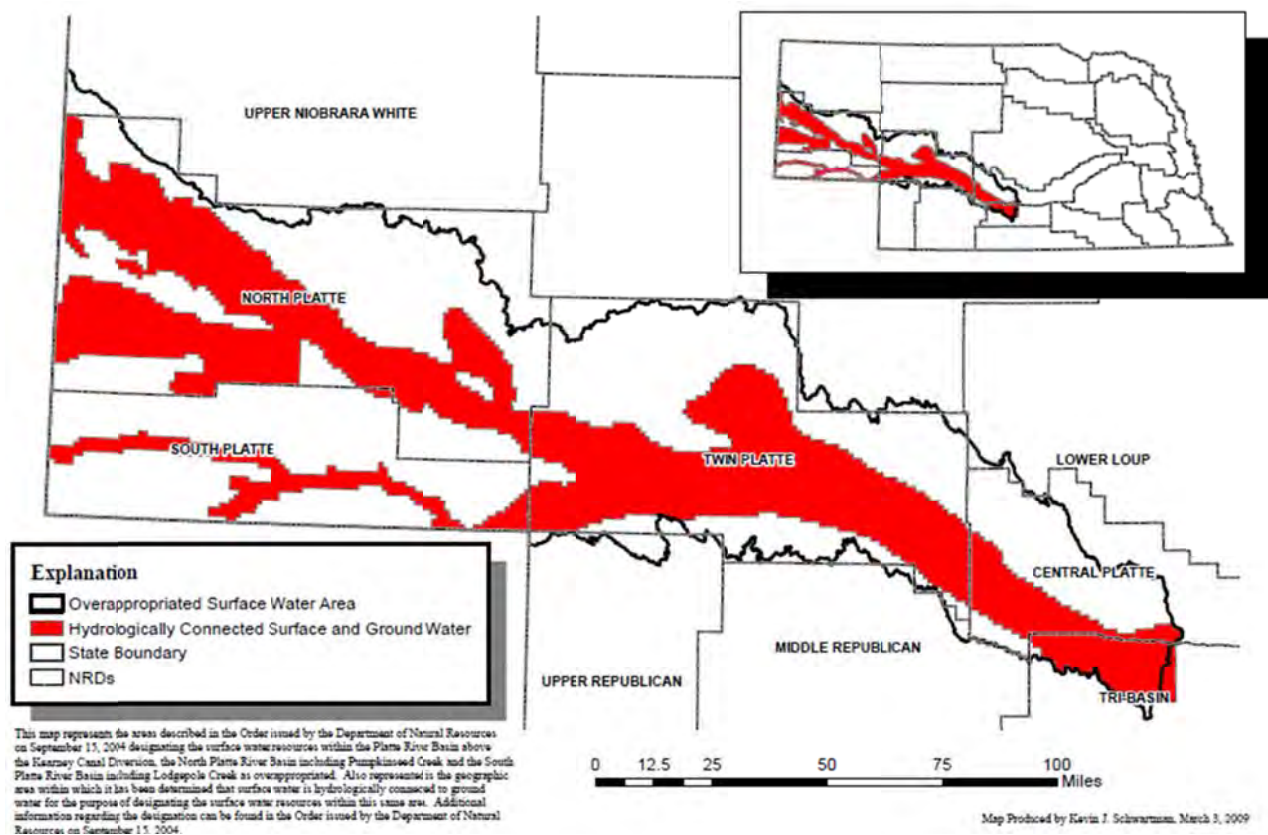
*Nancy Shank, PhD, MBA, Acting Director of the University of Nebraska Public Policy Center facilitated the committee meetings and compiled this plan.*

## Introduction

The Upper Platte Basin Public Participation Plan Development Committee, representing surface and groundwater interests, created this *Public Participation Plan* to guide the process for developing the second increment basin-wide plan that must be completed by September 2019. The *Public Participation Plan* is intended to provide an overall vision for how the basin-wide planning process will be approached. The *Public Participation Plan* is meant to provide guidance that may be modified, as needed.

Nebraska's Ground Water Management and Protection Act requires basin-wide planning when an area has been found to be overappropriated (*Nebraska Revised Statutes* § 46-715; see Appendix A for § 46-715 through 46-719). The Upper Platte Basin was determined to be overappropriated by the Nebraska Department of Natural Resources and a basin-wide plan was adopted in 2009. The heavy black outline in Figure 1 denotes the overappropriated surface water area. The red shaded area denotes the hydrologically connected groundwater area subject to the overappropriated designation.

Figure 1. Upper Platte Basin planning area



During the ten years following adoption of the basin-wide plan, the Department of Natural Resources and natural resources districts are required to conduct a technical analysis to determine the progress toward meeting the goals and objectives of the plan and examine “(A) available supplies and changes in long-term availability, (B) the effects of conservation practices and natural causes, including, but not limited to, drought, and (C) the effects of the plan on reducing the overall difference between current

and fully appropriated levels of development” (*Neb. Rev. Stat. § 46-715(5)(d)(iii)*). The results of this analysis will determine if a subsequent increment of the plan is needed.

It is expected that a second increment will be necessary in order to meet the goals and objectives of the Upper Platte basin-wide plan and to reduce the difference between current and fully appropriated levels of development. Each of the Upper Platte Basin natural resources districts has individual integrated management plans that were adopted in 2009, and that must be consistent with the Upper Platte basin-wide plan. In order to allow sufficient time for the individual integrated management plans to be revised accordingly, the target goal for the completion of the second increment basin-wide plan April 2019, although the deadline is September 2019.

Basin-wide plans, according to the statute, are to be jointly developed by the Department of Natural Resources and each natural resources district

...after consultation and collaboration with irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to participate in such process. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. (*Neb. Rev. Stat. §46-715(5)(b)*)

## **Development of the Public Participation Plan**

To guide the upcoming second increment planning process, a Public Participation Plan Development Committee met from August 2015 through January 2016. The committee’s goal was to create a robust, understandable, transparent approach for the second increment planning. In the course of developing the Public Participation Plan, the committee did not hold discussions related to the goals, objectives, or other substantive aspects of the Basin-Wide Plan. This *Public Participation Plan* is the result of that effort.

The *Public Participation Plan* may be used by:

- Participants in the planning process as a reference guide
- Facilitators and basin-wide planning consultants as a roadmap
- General public to understand the project and their role in it
- Other interested parties

The remainder of the *Public Participation Plan* describes the parties involved in planning, the decision making structure, the planning process and timeline, governance guidelines, and communications strategies.

## Participants in Developing the Basin-Wide Plan

### Statutory Requirements

In Nebraska, parties are assigned specific roles and responsibilities in the basin-wide planning process. Nebraska statute describes four categories of types of parties and alludes to general public participation (Table 1). Parties required or invited to participate in the planning process become part of the group asked to reach agreement on the basin-wide plan. Depending on whether agreement is reached, there are two different routes:

- If all parties **come to agreement**, the Department of Natural Resources and the natural resources districts are directed to adopt the basin-wide plan.
- If all parties **cannot reach agreement**, the Department of Natural Resources and the natural resources districts work together to develop and adopt the basin-wide plan. If this is the case in the Upper Platte planning process, to the extent possible, the Department of Natural Resources and the natural resources districts will leave areas of consensus intact and focus their efforts on resolving only the disputed issues.

**Table 1. Basin-wide planning roles and responsibilities**

Parties	Requirement for Participation	Responsibilities in Basin-Wide Planning	Role in Reaching Agreement
Department of Natural Resources	Required	Jointly responsible with natural resources districts for developing the basin-wide plan  Must adopt the plan for it to be valid <sup>1</sup>	Party to agreement decision
Natural resources districts	Required	Jointly responsible with the Department of Natural Resources for developing the basin-wide plan  Must adopt the plan for it to be valid <sup>2</sup>	Party to agreement decision

<sup>1</sup> If the Department of Natural Resources and the natural resources districts are unable to adopt a mutually-agreed upon plan, the statute provides for involvement by the Interrelated Water Review Board.

<sup>2</sup> Ibid.

<b>Parties</b>	<b>Requirement for Participation</b>	<b>Responsibilities in Basin-Wide Planning</b>	<b>Role in Reaching Agreement</b>
Irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area	Required to be invited, but not required to participate	Notified at commencement of the planning process and required to indicate, in writing, desire to participate in the process	Party to agreement decision, if they have indicated, in writing, desire to participate in the process
Designated representatives of other stakeholders	May be invited	May be included in the planning process by the Department of Natural Resources or participating natural resources districts	Party to agreement decision
General public	Public hearings are required at the end of the planning process	None	Not a party asked to reach agreement

### **Participants in the Upper Platte Basin-Wide Planning Process**

The Upper Platte Basin-Wide Planning process will comply with statutory requirements using the following approach to designate representatives and parties:

1. Department of Natural Resources will assign one representative and an alternate to serve as organizational representatives.
2. Each natural resources district will assign one representative and an alternate to serve as organizational representatives.
3. The Department of Natural Resources will invite other named parties (irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area) to express their interest, in writing, to participate in the process and ask those interested to designate a representative and alternate. The letter should be clear about the process, the role of statutory stakeholders, and the meeting schedule and expectations.
4. The Department of Natural Resources may designate other interests, which may also include asking for a particular person to represent the group. There is particular interest in inviting the Nebraska Game and Parks Commission given their statutory role in the Nebraska Nongame and Endangered Species Conservation Act and their holding of surface water rights.

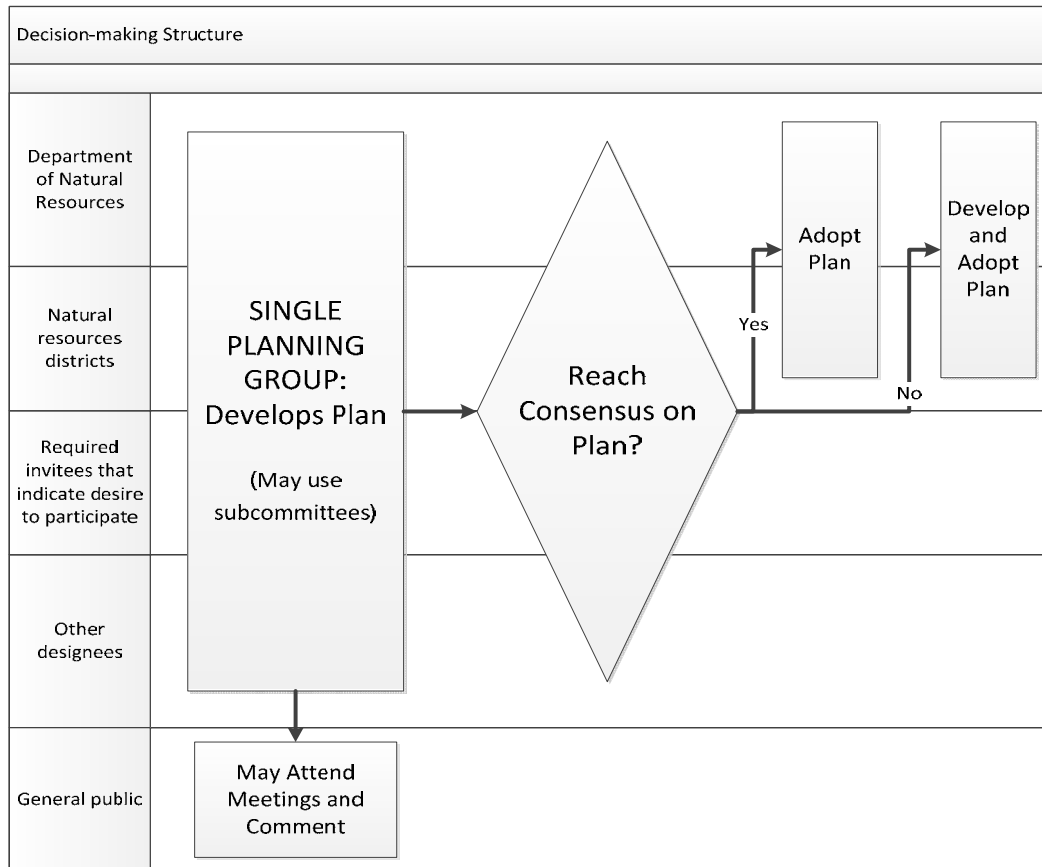
- Each natural resources district may designate additional representatives of interest groups that may otherwise be underrepresented. Natural resources districts may delay making this decision until interest is expressed by the statutory stakeholders. Possible under-represented groups included groundwater users and industry.

It is not known how many parties will be invited and will choose to engage in the planning process.

## Decision-making Structure: Single Planning Group

The *decision-making structure* describes how parties will organize to develop the plan. The Upper Platte basin-wide planning process will include representatives of all parties in a single planning group to develop the basin-wide plan (Figure 2). The group may occasionally employ subcommittees, as deemed appropriate by the single planning group. Subcommittees will not exercise decision making authority, but will offer recommendations to the single planning group.

Figure 2. Planning structure



The single planning group will be the group asked to reach agreement on the plan. If the single planning group cannot reach agreement, the Department of Natural Resources and the natural resources districts will work together to develop the plan. It is the expectation of the single planning group that, to the



extent possible, the Department of Natural Resources and the natural resources districts will focus their work to resolve only the disputed issues and leave undisputed areas intact.

The basin-wide plan must be adopted by the Department of Natural Resources and the natural resources districts.

## Planning Process and Timeline

The planning process will extend from June 2016 through to a goal for adoption in April 2019 (but that could be adopted as late as September 2019). The four phases of the adoption process and expected time allocations are:

### Orient and Prepare

It is anticipated that the single planning group members will be identified by June 2016. Approximately four months (*June through September 2016*) will be devoted to orientation, process planning, and review of technical information. The orientation will include at least one meeting of the single planning group. The orientation and all subsequent meetings will be organized by a facilitator.

### Plan

Over the next 17 months (*October 2016 through February 2018*) the single planning group will sequentially address goals, then objectives for each goal, and possible components or actions for each objective. At the end of each sequence, members of the single planning group will be asked to reach agreement on work completed for that sequence. Agreement will be determined through a vote of the single planning group. If the majority of those voting support the work completed for that sequence, the single planning group will move to the next sequence. If the majority of members of the single planning group do not support the work completed for that sequence, Department of Natural Resources and the natural resources districts will work together to resolve the disputed issues for that part of the planning sequence so that the planning process may resume.

### Approve

Six months (*March through August 2018*) are scheduled for the single planning group to finalize the plan and come to decision about whether consensus has been achieved. The single planning group will be asked to **determine overall consensus by June 2018**. If the single planning group is unable to come to consensus by June 2018, Department of Natural Resources and the natural resources districts will work together to resolve the disputed issues and create a **final plan by August 2018**. Members of the single planning group will be invited to document their suggestions for the plan within a limited, but yet to be determined amount of time to the Department of Natural Resources and the natural resources districts.

### Adopt

To be valid, the plan must be adopted by the Department of Natural Resources and natural resources districts. Eight months (*September 2018 through April 2019*) are allowed for informational public meetings and required public hearings to complete the adoption.

### **Public Meeting**

The single planning group will convene an informational public meeting to inform interested persons and organizations about the plan, its development, and its intent. The meeting will offer all parties an informal opportunity to exchange information and ideas.

### **Public Hearings**

Adopting entities (Department of Natural Resources and natural resources districts) will conduct public hearings in accordance with *Nebraska Revised Statutes* § 46-715 to 46-719. If the outcome of any of the hearings or other events necessitates significant change to the plan, then plan revisions will follow the same process by which the plan was developed:

- If the consensus-based process was the basis of plan development, then potential revisions to the plan will first be considered by the single planning group. If the single planning group is unable to reach consensus on revisions to the plan, the revisions will be developed by Department of Natural Resources and natural resources districts. To the extent possible, revisions developed by the Department of Natural Resources and natural resources districts will focus on those areas of revision which the single planning group was unable to reach consensus.
- If Department of Natural Resources and natural resources district developed the plan (because the single planning group was unable to reach consensus), the Department of Natural Resources and natural resources districts will develop potential revisions to the plan.

If significant revisions to the plan are made, additional public hearings and/or public notice may be necessary.

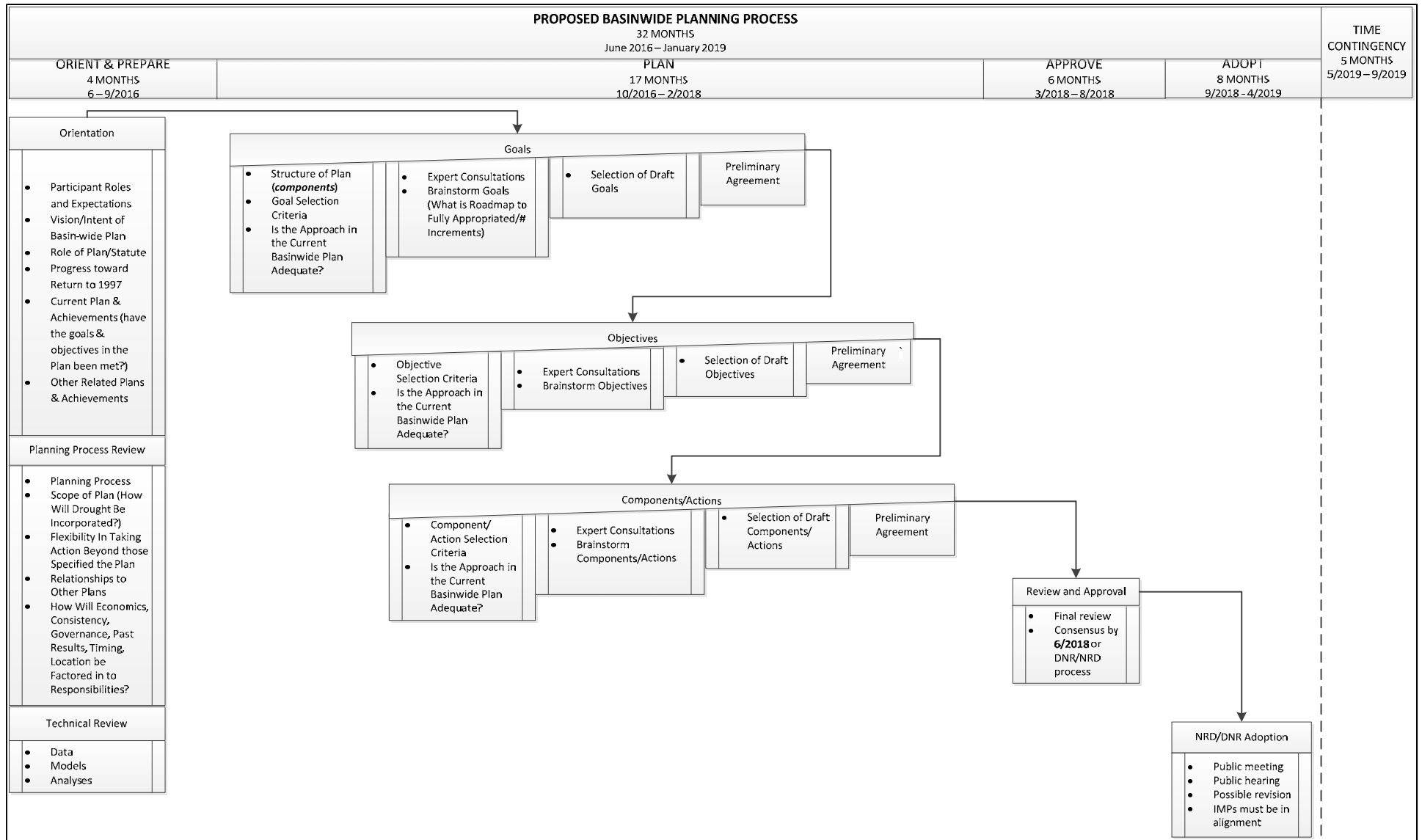
It should also be noted that statute mandates a second increment of each natural resources district's integrated management plan be developed by 2019 and that these second generation plans be consistent with the second increment basin-wide plan. Thus, as the next generation of district plans are developed, the parties will ensure that amendments or changes are consistent with the second increment basin-wide plan.

### **Time Contingency**

In addition to the four planning phases, the timeline includes a time contingency of five months. The planning process must be completed by September 2019.

A visual representation of the planning process and timelines is provided in Figure 3.

Figure 3. Planning process



## Governance Guidelines

For the single planning group to operate effectively, governance guidelines address the following issues: meeting times and locations, communications, meeting notice and preparations.

### Proposed Meeting Times and Locations

The single planning group will meet at pre-scheduled times and locations. Initially, it is recommended that the meetings follow the proposed schedule (Table 2).

All single planning group meetings will be convened at centrally located venues within the Upper Platte Basin.

**Table 2. Proposed meeting times and locations**

<b>Date</b>	<b>Time</b>	<b>Location</b>
June 16, 2016  (first <i>Orient and Prepare</i> meeting)	1:00 p.m. – 3:30 p.m.  <i>(Meeting follows the annual basin-wide meeting scheduled for the morning)</i>	Gothenburg – Monsanto Learning Center 76268 NE-47, Gothenburg, NE 69138
July 20, 2016  (may be a continuation of <i>Orient and Prepare</i> )	10:30 a.m. – 3:30 p.m.  <i>(Lunch will be “on your own”)</i>	North Platte – TBD by Department of Natural Resources
<i>Subsequent meetings are the 3<sup>rd</sup> Wednesday of every other month</i>		
September 21, 2016 November 16, 2016 January 18, 2017 March 15, 2017 May 17, 2017 July 19, 2017 September 20, 2017 November 15, 2017 January 17, 2018 March 21, 2018 May 16, 2018 July 18, 2018	10:30 a.m. – 3:30 p.m.  <i>(Lunch will be “on your own”)</i>	North Platte – TBD by Department of Natural Resources

## Communications

Communications directed to the public will be approved by the representatives. No individual is authorized to speak on behalf of the group.

## **Meeting Notice and Preparation**

Single planning group members and the general public will have advance notice of single planning group meetings: A basin-wide planning website will be created and all single planning group meetings will be published to that website and will be advertised in local newspapers. To the extent possible, all meeting materials (including the agenda and minutes from the previous meeting) will be sent to representatives and posted on the basin-wide site at least seven days prior to the meeting.

## **Meeting Operations**

Meeting operations focus on how members will participate, the role of the facilitator, and opportunities for participation by the general public.

### ***Single Planning Group Members***

For the meetings to be most productive, single planning group members should plan to attend the meetings, read materials in advance, be on time, and fully participate. Members are expected to attend the meetings in person. No provisions will be made for telephone or internet based conferencing.

Members will be asked to signify their agreement at various points along the plan development process. In a consensus-based process, representatives will focus on areas of common ground. One recommendation to achieve this is that when representatives are unable to find agreement, solutions to overcome barriers are offered.

For those members who have named alternates that may attend on their behalf, the regular member should fully brief the alternate prior to any meeting. If a member is unable to regularly attend meetings, the member should notify the designating organization and the designating organization should name a new member in advance of attendance at a meeting.

### ***Single Planning Group Support: Facilitator***

A facilitator will be engaged, in part, to ensure progress is being made and that meetings are productive (Appendix B – Facilitator Scope of Work), including responsibilities to:

- Develop meeting agendas and materials
- Create and guide processes to ensure time is productively spent
- Ensure representatives are engaging productively and attentively
- Start and end meetings on time
- Follow the agenda to the extent possible
- Take minutes
- Be responsive to member suggestions and concerns about the process
- Create successive draft plans

### ***Opportunities for Participation by the General Public***

The general public is invited to participate in the basin-wide plan development throughout the process by staying informed and providing input (Table 3).

Information will be available through an Upper Platte basin-wide planning **website**. The website will have information about the planning process and meeting materials. **Meetings notices** will be placed in area newspapers. There may be occasional **media releases** about the project. Finally, individuals interested in receiving updates about the process will be invited to sign up to receive **mailings** (likely electronic).

All **single planning group meetings will be open to the public** and each single planning group agenda will include the opportunity for **public comment**. Pursuant to statute (*Neb. Rev. Stat. §46-715 to 46-719*), public hearings about the basin-wide plan will also be conducted by the Department of Natural Resources and the natural resources districts.

**Table 3. General public participation**

<b>Information</b>	<b>Input</b>
<p><i>The general public will have access to information to assist their understanding of the problems, alternatives, opportunities and/or solutions</i></p> <ul style="list-style-type: none"> <li>• Website</li> <li>• Media releases</li> <li>• Public notice</li> <li>• Mailing lists</li> </ul>	<p><i>The general public will have opportunities to provide feedback on goals, objectives, and actions</i></p> <ul style="list-style-type: none"> <li>• Open meetings</li> <li>• Hearings will expressly be convened to hear public comment</li> </ul>

## Contact information

For general information:

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**Appendix A - Nebraska Revised Statute §46-715 through 46-719 of the  
Nebraska Groundwater Management and Protection Act**

**46-715. River basin, subbasin, or reach; integrated management plan; considerations; contents; amendment; technical analysis; forecast of water available from streamflow.**

(1)(a) Whenever the Department of Natural Resources has designated a river basin, subbasin, or reach as overappropriated or has made a final determination that a river basin, subbasin, or reach is fully appropriated, the natural resources districts encompassing such river basin, subbasin, or reach and the department shall jointly develop an integrated management plan for such river basin, subbasin, or reach. The plan shall be completed, adopted, and take effect within three years after such designation or final determination unless the department and the natural resources districts jointly agree to an extension of not more than two additional years.

(b) A natural resources district encompassing a river basin, subbasin, or reach that has not been designated as overappropriated or has not been finally determined to be fully appropriated may, jointly with the department, develop an integrated management plan for such river basin, subbasin, or reach located within the district. The district shall notify the department of its intention to develop an integrated management plan which shall be developed and adopted according to sections 46-715 to 46-717 and subsections (1) and (2) of section 46-718. The objective of an integrated management plan under this subdivision is to manage such river basin, subbasin, or reach to achieve and sustain a balance between water uses and water supplies for the long term. If a district develops an integrated management plan under this subdivision and the department subsequently determines the affected river basin, subbasin, or reach to be fully appropriated, the department and the affected natural resources district may amend the integrated management plan.

(2) In developing an integrated management plan, the effects of existing and potential new water uses on existing surface water appropriators and ground water users shall be considered. An integrated management plan shall include the following: (a) Clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term; (b) a map clearly delineating the geographic area subject to the integrated management plan; (c) one or more of the ground water controls authorized for adoption by natural resources districts pursuant to section 46-739; (d) one or more of the surface water controls authorized for adoption by the department pursuant to section 46-716; and (e) a plan to gather and evaluate data, information, and methodologies that could be used to implement sections 46-715 to 46-717, increase understanding of the surface water and hydrologically connected ground water system, and test the validity of the conclusions and information upon which the integrated management plan is based. The plan may also provide for utilization of any applicable incentive programs authorized by law. Nothing in the integrated management plan for a fully appropriated river basin, subbasin, or reach shall require a natural resources district to regulate ground water uses in place at the time of the department's preliminary determination that the river basin, subbasin, or reach is fully appropriated, unless such regulation is necessary to carry out the goals and objectives of a basin-wide plan pursuant to section 46-755, but a natural resources district may voluntarily adopt such regulations. The applicable natural resources district may decide to include all water users within the district boundary in an integrated management plan.

(3) In order to provide a process for economic development opportunities and economic sustainability within a river basin, subbasin, or reach, the integrated management plan shall include clear and transparent procedures to track depletions and gains to streamflows resulting from new, retired, or other changes to uses within the river basin, subbasin, or reach. The procedures shall:



(a) Utilize generally accepted methodologies based on the best available information, data, and science;

(b) Include a generally accepted methodology to be utilized to estimate depletions and gains to streamflows, which methodology includes location, amount, and time regarding gains to streamflows as offsets to new uses;

(c) Identify means to be utilized so that new uses will not have more than a de minimis effect upon existing surface water users or ground water users;

(d) Identify procedures the natural resources district and the department will use to report, consult, and otherwise share information on new uses, changes in uses, or other activities affecting water use in the river basin, subbasin, or reach;

(e) Identify, to the extent feasible, potential water available to mitigate new uses, including but not limited to, water rights leases, interference agreements, augmentation projects, conjunctive use management, and use retirement;

(f) Develop, to the extent feasible, an outline of plans after consultation with and an opportunity to provide input from irrigation districts, public power and irrigation districts, reclamation districts, municipalities, other political subdivisions, and other water users to make water available for offset to enhance and encourage economic development opportunities and economic sustainability in the river basin, subbasin, or reach; and

(g) Clearly identify procedures that applicants for new uses shall take to apply for approval of a new water use and corresponding offset.

Nothing in this subsection shall require revision or amendment of an integrated management plan approved on or before August 30, 2009.

(4) The ground water and surface water controls proposed for adoption in the integrated management plan pursuant to subsection (1) of this section shall, when considered together and with any applicable incentive programs, (a) be consistent with the goals and objectives of the plan, (b) be sufficient to ensure that the state 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, and (c) protect the ground water users whose water wells are dependent on recharge from the river or stream involved and the surface water appropriators on such river or stream from streamflow depletion caused by surface water uses and ground water uses begun, in the case of a river basin, subbasin, or reach designated as overappropriated or preliminarily determined to be fully appropriated in accordance with section 46-713, after the date of such designation or preliminary determination.

(5)(a) In any river basin, subbasin, or reach that is designated as overappropriated, when the designated area lies within two or more natural resources districts, the department and the affected natural resources districts shall jointly develop a basin-wide plan for the area designated as overappropriated. Such plan shall be developed using the consultation and collaboration process described in subdivision (b) of this subsection, shall be developed concurrently with the development of the integrated management plan required pursuant to subsections (1) through (4) of this section, and shall be designed to achieve, in the incremental manner described in subdivision (d) of this subsection, the goals and objectives described in subsection (2) of this section. The basin-wide plan shall be adopted after hearings by the department and the affected natural resources districts.

(b) In any river basin, subbasin, or reach designated as overappropriated and subject to this subsection, the department and each natural resources district encompassing such river basin, subbasin, or reach shall jointly develop an integrated management plan for such river basin, subbasin, or reach pursuant to subsections (1) through (4) of this section. Each integrated management plan for a river basin, subbasin, or reach subject to this subsection shall be consistent with any basin-wide plan developed pursuant to subdivision (a) of this subsection. Such integrated management plan shall be developed after consultation and collaboration with irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to participate in such process. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. If agreement is reached by all parties involved in such consultation and collaboration process, the department and each natural resources district shall adopt the agreed-upon integrated management plan. If agreement cannot be reached by all parties involved, the integrated management plan shall be developed and adopted by the department and the affected natural resources district pursuant to sections 46-715 to 46-718 or by the Interrelated Water Review Board pursuant to section 46-719.

(c) Any integrated management plan developed under this subsection shall identify the overall difference between the current and fully appropriated levels of development. Such determination shall take into account cyclical supply, including drought, identify the portion of the overall difference between the current and fully appropriated levels of development that is due to conservation measures, and identify the portions of the overall difference between the current and fully appropriated levels of development that are due to water use initiated prior to July 1, 1997, and to water use initiated on or after such date.

(d) Any integrated management plan developed under this subsection shall adopt an incremental approach to achieve the goals and objectives identified under subdivision (2)(a) of this section using the following steps:

(i) The first incremental goals shall be to address the impact of streamflow depletions to (A) surface water appropriations and (B) water wells constructed in aquifers dependent upon recharge from streamflow, to the extent those depletions are due to water use initiated after July 1, 1997, and, unless an interstate cooperative agreement for such river basin, subbasin, or reach is no longer in effect, to prevent streamflow depletions that would cause noncompliance by Nebraska with such interstate cooperative agreement. During the first increment, the department and the affected natural resources districts shall also pursue voluntary efforts, subject to the availability of funds, to offset any increase in streamflow depletive effects that occur after July 1, 1997, but are caused by ground water uses initiated prior to such date. The department and the affected natural resources districts may also use other appropriate and authorized measures for such purpose;

(ii) The department and the affected natural resources districts may amend an integrated management plan subject to this subsection (5) as necessary based on an annual review of the progress being made toward achieving the goals for that increment;

(iii) During the ten years following adoption of an integrated management plan developed under this subsection (5) or during the ten years after the adoption of any subsequent increment of the integrated management plan pursuant to subdivision (d)(iv) of this subsection, the department and the affected natural resources district shall conduct a technical analysis of the actions taken in such increment to determine the progress towards meeting the goals and

objectives adopted pursuant to subsection (2) of this section. The analysis shall include an examination of (A) available supplies and changes in long-term availability, (B) the effects of conservation practices and natural causes, including, but not limited to, drought, and (C) the effects of the plan on reducing the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section. The analysis shall determine whether a subsequent increment is necessary in the integrated management plan to meet the goals and objectives adopted pursuant to subsection (2) of this section and reduce the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section;

(iv) Based on the determination made in subdivision (d)(iii) of this subsection, the department and the affected natural resources districts, utilizing the consultative and collaborative process described in subdivision (b) of this subsection, shall if necessary identify goals for a subsequent increment of the integrated management plan. Subsequent increments shall be completed, adopted, and take effect not more than ten years after adoption of the previous increment; and

(v) If necessary, the steps described in subdivisions (d)(ii) through (iv) of this subsection shall be repeated until the department and the affected natural resources districts agree that the goals and objectives identified pursuant to subsection (2) of this section have been met and the overall difference between the current and fully appropriated levels of development identified in subdivision (5)(c) of this section has been addressed so that the river basin, subbasin, or reach has returned to a fully appropriated condition.

(6) In any river basin, subbasin, or reach that is designated as fully appropriated or overappropriated and whenever necessary to ensure that the state is in compliance with an interstate compact or decree or a 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 subdivision (4)(b) of this section. This forecast shall be made by January 1, 2008, and each January 1 thereafter.

**Source:** Laws 2004, LB 962, § 55; Laws 2006, LB 1226, § 25; Laws 2007, LB701, § 23; Laws 2009, LB54, § 3; Laws 2010, LB764, § 1; Laws 2014, LB1098, § 14.

**46-716. Integrated management plan; surface water controls.**

(1) The surface water controls that may be included in an integrated management plan and may be adopted by the Department of Natural Resources are: (a) Increased monitoring and enforcement of surface water diversion rates and amounts diverted annually; (b) the prohibition or limitation of additional surface water appropriations; (c) requirements for surface water appropriators to apply or utilize reasonable conservation measures consistent with good husbandry and other requirements of section 46-231 and consistent with reasonable reliance by other surface water or ground water users on return flows or on seepage to the aquifer; and (d) other reasonable restrictions on surface water use which are consistent with the intent of section 46-715 and the requirements of section 46-231.

(2) If during the development of the integrated management plan the department determines that surface water appropriators should be required to apply or utilize conservation measures or that other reasonable restrictions on surface water use need to be imposed, the department's portion of the integrated management plan shall allow the affected surface water appropriators and surface water project sponsors a reasonable amount of time, not to exceed one hundred eighty days unless extended by the department, to identify the conservation measures to be applied or utilized, to develop a schedule for such application and utilization, and to comment on any other proposed restrictions.

**Source:** Laws 2004, LB 962, § 56.

**46-717. Integrated management plan; scientific data and other information; department; natural resources district; duties.**

(1) In developing an integrated management plan, the Department of Natural Resources and the affected natural resources districts shall utilize the best scientific data and other information available and shall review and consider any rules and regulations in effect in any existing ground water management area that encompasses all or part of the geographic area to be encompassed by the plan. Consideration shall be given to the applicable scientific data and other information relied upon by the department in preparing the annual report required by section 46-713 and to other types of data and information that may be deemed appropriate by the department. The department, after seeking input from the affected natural resources districts, shall specify by rule and regulation the types of scientific data and other information that will be considered in developing an integrated management plan. The natural resources districts shall adopt similar rules and regulations specifying the types of scientific data and other information necessary for purposes of this section. Existing research, data, studies, or any other relevant information which has been compiled by or is in possession of other state or federal agencies, other natural resources districts, and other political subdivisions within the State of Nebraska shall be utilized. State agencies and political subdivisions shall furnish information or data upon request of the department or any affected natural resources district. Neither the department nor the natural resources districts shall be required to conduct new research or to develop new computer models to prepare an integrated management plan, but such new research may be conducted or new computer models developed within the limits of available funding if the additional information is desired by the department or the affected natural resources districts.

(2) During preparation of an integrated management plan for a fully appropriated river basin, subbasin, or reach or of an integrated management plan under subdivision (1)(b) of section 46-715, the department and the affected natural resources districts shall consult with any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality that relies on water from the affected river basin, subbasin, or reach and with other water users and stakeholders as deemed appropriate by the department or by the affected natural resources districts. They shall also actively solicit public comments and opinions through public meetings and other means.

**Source:** Laws 2004, LB 962, § 57; Laws 2010, LB764, § 2.

**46-718. Integrated management plan; hearings; implementation order; dispute; procedure.**

(1) If the Department of Natural Resources and the affected natural resources districts preparing an integrated management plan reach agreement on (a) the proposed goals and objectives of the plan for the affected river basin, subbasin, or reach, (b) the proposed geographic area to be subject to controls, and (c) the surface water and ground water controls and any incentive programs that are proposed for adoption and implementation in the river basin, subbasin, or reach, they shall schedule one or more public hearings to take testimony on the proposed integrated management plan and the proposed controls. Such hearings shall be held within forty-five days after reaching agreement and within or in reasonable proximity to the area to be affected by implementation of the integrated management plan. Notice of such hearings shall be published as provided in section 46-743. The costs of publishing the notice shall be shared between the department and the affected natural resources districts. All interested persons may appear at the hearings and present testimony or provide other evidence relevant to the issues being considered.

(2) Within sixty days after the final hearing under this section, the department and the affected natural resources districts shall jointly decide whether to implement the plan proposed, with or without modifications, and whether to adopt and implement the surface water and ground water controls and incentive programs proposed in the plan. If the department and the natural resources districts agree to implement the plan and to adopt and implement the proposed controls, the natural resources districts shall by order designate a ground water management area for integrated management or, if the geographic area subject to the integrated management plan is already in a ground water management area, the order shall designate an integrated management subarea for that area. The order shall include a geographic and stratigraphic definition of the ground water management area or integrated management subarea and shall adopt the controls in the integrated management plan that are authorized for adoption by the natural resources district pursuant to section 46-739. The department shall by order adopt the controls in the integrated management plan that are authorized for adoption by the department pursuant to section 46-716. Neither the controls adopted by the district nor those adopted by the department shall include controls substantially different from those set forth in the notice of hearing. The area designated as a ground water management area or an integrated management subarea by the natural resources district shall not include any area that was not identified in the notice of the hearing as within the area proposed to be subject to the controls in the plan. The department and the natural resources district shall each cause a copy of its order to be published in the manner provided in section 46-744.

(3) If at any time during the development of a basin-wide plan or an integrated management plan either the department or the affected natural resources districts conclude that the parties will be unable to reach a timely agreement on the basin-wide plan or on (a) the goals and objectives of the integrated management plan for the affected river basin, subbasin, or reach, (b) the geographic area to be subject to controls, or (c) the surface water or ground water controls or any incentive programs to be proposed for adoption and implementation in the affected river basin, subbasin, or reach, the Governor shall be notified and the dispute shall be submitted to the Interrelated Water Review Board as provided in subsection (2) of section 46-719.

**Source:** Laws 2004, LB 952, § 58.

**46-719. Interrelated Water Review Board; created; members; powers and duties.**

(1)(a) The Interrelated Water Review Board is created for the purposes stated in subsections (2) through (5) of this section. The board shall consist of five members. The board, when appointed and convened, shall continue in existence only until it has resolved a dispute referred to it pursuant to such subsections. The Governor shall appoint and convene the board within forty-five days of being notified of the need to resolve a dispute. The board shall be chaired by the Governor or his or her designee, which designee shall be knowledgeable concerning surface water and ground water issues. The Governor shall appoint one additional member of his or her choosing and shall appoint the other three members of the board from a list of no fewer than six nominees provided by the Nebraska Natural Resources Commission within twenty days after request by the Governor for a list of nominees.

(b) Not more than two members of the board shall reside in the geographic area involved in the dispute. A person is not eligible for membership on the board if the decisions to be made by the board would or could cause financial benefit or detriment to the person, a member of his or her immediate family, or a business with which the person is associated, unless such benefit or detriment is indistinguishable from the effects of such action on the public generally or a broad segment of the public. The board shall be subject to the Open Meetings Act.

(c) For purposes of subsections (2) and (3) of this section, action may be taken by a vote of three of the board's five members. For purposes of subsections (4) and (5) of this section, action may be taken only by a vote of at least four of the board's five members.

(2)(a) If the Department of Natural Resources and the affected natural resources districts cannot resolve disputes over the content of a basin-wide plan or an integrated management plan by utilizing the process described in sections 46-715 to 46-718, the Governor shall be notified and the dispute submitted to the Interrelated Water Review Board. When the board has been appointed and convened to resolve disputes over a basin-wide plan, the department and each affected district shall present their proposed basin-wide plans to the board. When the board has been convened to resolve disputes over an integrated management plan, the department and each affected natural resources district shall present their (i) proposed goals and objectives for the integrated management plan, (ii) proposed geographic area to be subject to controls, and (iii) proposed surface water and ground water controls and any proposed incentive program for adoption and implementation in the river basin, subbasin, or reach involved. The department and



each affected natural resources district shall also be given adequate opportunity to comment on the proposals made by the other parties to the dispute.

(b) When the Interrelated Water Review Board concludes that the issues in dispute have been fully presented and commented upon by the parties to the dispute, which conclusion shall be made not more than forty-five days after the board is convened, the board shall select the proposals or portions of proposals that the board will consider for adoption and shall schedule one or more public hearings to take testimony on the selected proposals. The hearings shall be held within forty-five days after the board's selection of proposals to consider for adoption and shall be within or in reasonable proximity to the area that would be affected by implementation of any of the proposals to be considered at the hearings. Notice of the hearings shall be published as provided in section 46-743. The cost of publishing the notice shall be shared by the department and the affected natural resources districts. All interested persons may appear at the hearings and present testimony or provide other evidence relevant to the issues being considered.

(c) Within forty-five days after the final hearing pursuant to subdivision (b) of this subsection, the Interrelated Water Review Board shall by order, as applicable, adopt a basin-wide plan or an integrated management plan for the affected river basin, subbasin, or reach and, in the case of an integrated management plan, shall designate a ground water management area for integrated management or an integrated management subarea for such river basin, subbasin, or reach. An integrated management plan shall be consistent with subsection (2) of section 46-715, and the surface water and ground water controls and any applicable incentive programs adopted as part of that plan shall be consistent with subsection (4) of section 46-715. The controls adopted by the board shall not be substantially different from those described in the notice of hearing. The area designated as a ground water management area or an integrated management subarea shall not include any area that was not identified in the notice of the hearing as within the area proposed to be subject to the controls in the plan.

(d) The order adopted under this subsection shall be published in the manner prescribed in section 46-744.

(e) Surface water controls adopted by the Interrelated Water Review Board shall be implemented and enforced by the department. Ground water controls adopted by the Interrelated Water Review Board shall be implemented and enforced by the affected natural resources districts.

(3) Whether an integrated management plan is adopted pursuant to section 46-718 or by the Interrelated Water Review Board pursuant to subsection (2) of this section, the department or a natural resources district responsible in part for

implementation and enforcement of an integrated management plan may propose modification of the goals or objectives of that plan, of the area subject to the plan, or of the surface water controls, ground water controls, or incentive programs adopted to implement the plan. The department and the affected natural resources districts shall utilize the procedures in sections 46-715 to 46-718 in an attempt to reach agreement on and to adopt and implement proposed modifications. If agreement on such modifications cannot be achieved utilizing those procedures, either the department or an affected natural resources district may notify the Governor of the dispute. The Interrelated Water Review Board shall be appointed and convened in accordance with subsection (1) of this section to resolve the dispute and, if applicable, to adopt any modifications utilizing the procedures in subsection (2) of this section.

(4) The department and the affected natural resources districts may also raise objections concerning the implementation or enforcement of previously adopted surface water or ground water controls. The department and the affected natural resources districts shall utilize the procedures in sections 46-715 to 46-718 in an attempt to reach agreement on such implementation or enforcement issues. If agreement on such issues cannot be achieved utilizing such procedures, either the department or an affected natural resources district may notify the Governor of the dispute. The Interrelated Water Review Board shall be appointed and convened in accordance with subsection (1) of this section. After permitting each party to fully express its reasons for its position on the disputed issues, the board may either take no action or conclude (a) that one or more parties needs to modify its approach to implementation or enforcement and direct that such modifications take place or (b) that one or more parties either has not made a good faith effort to implement or enforce the portion of the plan or controls for which it is responsible or is unable to fully implement and enforce such portion and that such party's jurisdiction with respect to implementation and enforcement of the plan and controls shall be terminated and reassigned to one or more of the other parties responsible for implementation and enforcement. A decision by the Interrelated Water Review Board to terminate and reassign jurisdiction of any portion of the plan or controls shall take effect immediately upon that decision. Notice of such reassignment shall be published at least once in one or more newspapers as necessary to provide general circulation in the area affected by such reassignment.

(5) The board may be reconvened in accordance with subsection (1) of this section at a later date upon request to the Governor by the party for which jurisdiction for implementation and enforcement was terminated if such party desires to have its jurisdiction reinstated, but no such request shall be honored until at least one year after the termination and not more than once per year thereafter. The board may reinstate jurisdiction to that party only upon a clear showing by

such party that it is willing and able to fully implement and enforce the plan and any applicable controls. Notice that a party's jurisdiction has been reinstated shall be provided in the same manner that notice of the earlier termination was given.

**Source:** Laws 2004, LB 962, § 59; Laws 2006, LB 1226, § 26; Laws 2009, LB54, § 4.

**Cross References**

**Open Meetings Act**, see section 84-1407.

# Appendix B - Facilitator Scope of Work

**Facilitation and Coordination Support for Platte River Basin Water  
Planning Process  
Request for Qualifications  
October 30, 2015**

**Introduction**

The Department of Natural Resources, North Platte Natural Resources District, South Platte Natural Resources District, Twin Platte Natural Resources District, Central Platte Natural Resources District, and Tri-Basin Natural Resources District (the Sponsors), all cooperating under an interlocal agreement, are soliciting a Statement of Qualifications (SOQ's) for professional services to provide facilitation services, coordination support in development of the second increment of the Basin-Wide Plan (Plan) in the Upper Platte River Basin within Nebraska, and drafting of the Plan. The Basin-Wide Planning process generally includes the development of goals, objectives, and certain actions aimed at meeting the requirements outlined in Neb Rev. Stat. §46-715. The process of developing the Plan will include participation of the Sponsors in conjunction with various stakeholder interests within the Platte River Basin.

**Scope of Services**

Services are being sought to ensure effective communication and collaboration throughout the planning process. Likely services that will need to be provided include: project management services to ensure effective project communication and dissemination of information to appropriate parties, meeting coordination and facilitation services to ensure Sponsors objectives are being achieved, development and distribution of educational materials, and drafting, distribution, and completion of the Plan. A more detailed scope of services is outlined in Attachment A.

**SOQ Submittal Process**

Firms interested in being considered must submit six (6) copies of the Statement of Qualifications (SOQ). The SOQ should be addressed to Jennifer J. Schellpeper and received at the Nebraska Department of Natural Resources no later than 5:00 p.m. December 14, 2015 at 301 Centennial Mall South, Lincoln, NE 68509-4676.

Questions. For questions regarding the project and the SOQ submittal process contact Jennifer J. Schellpeper of the Nebraska Department of Natural Resources by e-mail at [jennifer.schellpeper@nebraska.gov](mailto:jennifer.schellpeper@nebraska.gov) with your question. Please include name, name of firm, address, phone, fax, and e-mail.

Pre-Submittal Meeting. No pre-submittal meeting for SOQ's will be conducted.

Submittal Format. Interested firms shall include the following in their submittal:

1. Include pertinent company information, including company name, entity type, home office address, local address (if applicable), telephone, facsimile, contact name and email address. Include a signature of an authorized agent of your firm. Limit to one page.
2. In five pages or less, outline the expertise and knowledge of the team that will be assigned to this project, in the following areas:
  - a) Project Management and Facilitation services: experience with large groups of stakeholders with diverse backgrounds and with high conflict,

- meeting coordination and meeting organization, effective communication strategies and development of educational materials,
- b) Water Planning (with emphasis on integrated water management concepts and the Nebraska Groundwater Management and Protection Act),
  - c) Knowledge of surface water and groundwater hydrology and hydrogeology, including the Upper Platte River Basin.
3. Include a short description of no more than five (5) relevant projects, describing each project in one page or less. Include a contact for each project.
  4. Identify a team who will be available for this scope of work beginning in February 2016 and continuing through January 2019; limit to one page for overview and one page for organization chart. Also state availability. Include a short resume for each team member, no more than one page for each person.

#### **Consultant Selection Process**

The selection process will include the following steps:

1. Evaluate and rank the SOQ's. The ranking criteria are included in the Selection Criteria section below. Each respondent will be ranked as a) not acceptable (0 pts.), b) acceptable (2 pts.), or c) excellent (4 pts.) in each criterion. Then based on the weight, each respondent will be given an overall ranking. Respondents will only be ranked on experiences and qualifications included in their SOQ's.
2. After Evaluation and Ranking Interviews may be conducted. If interviews are conducted selected consultants will be notified by January 4<sup>th</sup> and interviews will be scheduled the week of January 11, 2016.
3. Respondents will be notified of their ranking by 5:00 p.m. January 18, 2016.
4. The firm with the highest ranking will be asked to provide a full cost estimate for the scope of services identified in Attachment A. If the Sponsors and firm are able to reach agreement on contract terms a contract will be executed with that firm. If the Sponsors and firm are unable to reach agreement on contract terms then the next highest ranked firm will be sought until a contract is successfully executed.

#### **Selection Criteria**

The selection criteria below, in order of importance and weight, will be used to evaluate the Statement of Qualifications.

1. Previous experience and expertise in providing facilitation services (50%).
2. Previous experience and expertise in water planning (20%).
3. Knowledge of integrated water management planning principles (20%).
4. Knowledge of hydrology and hydrogeologic concepts (10%).

#### **Contact Information**

Jennifer J. Schellpeper  
Nebraska Department of Natural Resources  
301 Centennial Mall South  
Lincoln, NE 68509-4676  
Email: [jennifer.schellpeper@nebraska.gov](mailto:jennifer.schellpeper@nebraska.gov)  
Phone: (402) 471-2899

**ATTACHMENT A**  
**Anticipated Scope of Services**

1. **TASK 1 – Project Management**
  - a. **Task Objective**

Develop effective project communication; confirm that Project elements are being completed. Discover and disseminate project information to improve quality and efficiency.
  - b. **Activities**

The selected consultant/contractor will conduct general project management tasks, which include:

    - i. Development and use of a project guide, monthly invoicing, and monthly progress report
    - ii. Project scheduling
    - iii. Subconsultant/subcontractor management
    - iv. Project close-out activities,
    - v. Development and use as necessary, with input from the Sponsors and stakeholder participants, a website for document exchange and document management
    - vi. Other project administrative activities in support of the project team
  - c. **Task Deliverables:**
    - i. Monthly invoices and progress reports.
    - ii. Project administrative support.
    - iii. Secure website (or ftp site).
  - d. **Key Understandings:**
    - i. The duration of the project is approximately thirty (30) months with a target date for completion of on or before January 1, 2019.
  
2. **TASK 2 –MEETING COORDINATION AND FACILITATION**
  - a. **Task Objective**

Provide coordination and facilitation support to the Sponsors to assist in the development of a Basin-Wide Management Plan. Facilitate communication of stakeholder participants with the Sponsors.
  - b. **Activities:**
    - i. **Task 2.1 Sponsor Coordination Meetings** The selected consultant/contractor will coordinate up to fifteen (15) in-person meetings to discuss the ongoing activities of the planning process and determine future processes for stakeholder participation. The expected number of meetings is an estimated quantity. Meeting coordination will include scheduling meetings, distributing agendas to the Sponsors at least ten (10) days before each meeting, recording notes, distributing meeting summaries to Sponsors for review and comment within fifteen (15) days of each meeting, and incorporating Sponsors comments into meeting summaries.
    - ii. **Task 2.2 Stakeholder Meetings** The selected consultant/contractor will coordinate and facilitate up to fifteen (15) in-person meetings with stakeholders such that the stakeholders are provided opportunity to consult and collaborate on the formulation, evaluation, and recommendation of plans and management actions aimed at the identification of specific basin-wide planning goals and objectives. The expected number of meetings is an estimated quantity. Meeting coordination will include scheduling meetings, distributing agendas to the Sponsors at least ten (10) days before

each meeting, recording stakeholder feedback, distributing meeting summaries to Sponsors for review and comment within fifteen (15) days of each meeting, and incorporating Sponsors comments into meeting summaries. Consultant/contractor will develop effective meeting processes with guidance from the Sponsors.

- iii. **Task 2.3 Project Website.** The selected consultant/contractor will design and populate a project website. Website content will be developed by the consultant/contractor with guidance from the Sponsors and stakeholders. The website will be hosted by NDNR. The selected consultant/contractor will keep the website updated throughout the project duration.

c. **Task Deliverables:**

- i. Schedule of Sponsor coordination meetings and facilitated Stakeholder meetings.
- ii. Fifteen (15) Sponsor coordination meetings with meeting agendas and meeting summaries. The number of meetings is an estimated quantity. This includes 1 hour pre- and post- meetings for preparation and debriefing.
- iii. Fifteen (15) Stakeholder meeting agendas and meeting summaries. The number of meetings is an estimated quantity. This includes 1 hour pre- and post- meetings for preparation and debriefing.
- iv. Project website and information for populating it.

d. **Key Understandings:**

- i. Meetings are anticipated to be held in North Platte, Nebraska but locations may be modified by the Sponsors. Each meeting will last up to four (4) hours.
- ii. The project website will be hosted by NDNR.
- iii. The selected consultant/contractor will be responsible for printing all handouts and meeting materials.
- iv. Facilities for all meetings will be coordinated by the consultant/contractor with advice from the Sponsors.

3. **TASK SERIES 3 – BASIN-WIDE WATER MANAGEMENT PLAN**

a. **Task Objective**

Develop the components of a basin-wide water management plan for the Upper Platte River Basin.

b. **Activities**

- i. **Task 3.1 Goals and Objectives.** The selected consultant/contractor will work with the Sponsors and stakeholder participants to modify and/or develop goals and objectives of the basin-wide plan and other requirements set forth in the Ground Water Management and Protection Act (the Act).
- ii. **Task 3.2 Summary of Existing Integrated Management Plan Surface and Groundwater Controls.** The selected consultant/contractor will compile and summarize existing ground and surface water control measures currently employed in basin IMPs.
- iii. **Task 3.3 Stakeholder Agreement.** The selected consultant/contractor will work to reach agreement between Sponsors and all stakeholder participants on the goals, objectives, and actions of the Plan and actions formulated, evaluated, and recommended as part of the planning process.
- iv. **Task 3.4 Data Summaries.** Summarize existing available data from relevant water studies, including information developed by the Sponsors through current implementation efforts. The selected consultant/contractor will not be expected to generate new data as part of this contract, but rather to summarize existing information



into handouts and presentations aimed at facilitating plan development.

- c. **Task Deliverables:**
  - i. Summary of goals and objectives.
  - ii. Summary of existing surface water and groundwater controls
  - iii. Draft plans and management actions aimed at implementing the goals and objectives of the Plan
  - iv. Presentations and handouts materials to support meeting facilitation
- d. **Key Understandings:**
  - i. The selected consultant/contractor will be responsible for printing all handouts and meeting materials.

4. **TASK SERIES 4 – BASIN-WIDE WATER MANAGEMENT PLAN DOCUMENT**

- a. **Task Objective**

Prepare draft and final Basin-wide Water Management Plan documents.
- b. **Activities**
  - i. **Task 4.1 Draft Basin-wide Water Management Plan Document**

The selected consultant/contractor will prepare a Draft Basin-wide Water Management Plan for review and comment by the Sponsors and stakeholders. Anticipated major elements include:

    - a) Purpose and Scope
    - b) Background/Basin Description
    - c) Goals and Objectives
    - d) Components of the Plan and Action Items
    - e) Plan Review and Monitoring
    - f) Other elements as required by the Act
  - ii. **Task 4.2 Facilitate Agreement of Plan and Finalize Plan**. The selected consultant/contractor will work to facilitate agreement of all participants. If participants are unable to reach an agreement within the contract period, the Sponsors will determine whether additional efforts are likely to produce a Plan that is acceptable to all parties, or whether to finalize a draft Plan.
- c. **Task Deliverables**
  - i. Draft Basin-wide Water Management Plan.
  - ii. Final Basin-wide Water Management Plan.
  - iii. Comment tracking/resolution.
- d. **Key Understandings**
  - i. Draft plans will be distributed in electronic PDF and Microsoft Word formats for review and comment.
  - ii. After incorporation of comments, additional draft plans will be distributed in electronic PDF and Microsoft Word formats for review and comment.

Final plan will be distributed in electronic PDF and Microsoft Word formats.

# Agenda

Project: Upper Platte River Basin Water Management Plan–  
Single Planning Group

Subject: Orient and Prepare Meeting

Date: Thursday, June 16, 2016

Location: Monsanto Learning Center – Gothenburg, NE

Invited:	Vernon Nelson	Thomas Downey	Keith Koupal	Larry Reynolds
	Tyrell Anderson	Russell Edeal	Ervin Kramer	Jay Richeson
	Brian Barels	Judy Eggleston	Don Kraus	Rodney Schaneman
	Jim Bendfeldt	Bernard Fehringer	Galen Larson	Dennis Schilz
	Bob Busch	Dave Fisher	Tim Luchsinger	Jeff Shafer
	Bob Dahlgren	Richard Gatch	Roric Paulman	Carson Sisk
	Kevin Derry	Pat Heath	Joe Peplitsch	Dennis Strauch
				Kendra Strommen

## Agenda:

A. Introductions

B. Why Are We Here?

- Statutory Authority
- Current Basin-wide Plan
  - Development
  - Content
- Basin-wide Plan IMP Relationship
  - How it relates to individual NDRs

C. Process Plan

- Public Participation Plan
- Roles & Expectations
- Administration
- Decision-Making

D. Next Steps

E. Public Comment

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan– Single Planning Group

Subject: Orient and Prepare Meeting

Date: Thursday, June 16, 2016

Location: Monsanto Learning Center – Gothenburg, NE

Attendees: See Sign-in Sheet

## A. Introductions – Led by Stephanie White, HDR

## B. Why Are We Here? – Presentation by Jennifer Schellpeper, IWM Division Head, NeDNR

- Statutory Authority
- Current Basin-wide Plan
- Basin-wide Plan IMP Relationship

## C. Process Plan – Led by Stephanie White, HDR

- Public Participation Plan –
  - Questions arose about whether this process would build upon previous efforts or would start the process over completely. Jennifer reassured the group that there is currently a plan in place and this effort will build upon its success and looked for lessons learned.
  - Several members would like to identify the difference between current and fully appropriated as it would help to inform targets for the second increment.
  - NRDs have made progress, and members would like to see how this progress compares to the first increment goals.
  - Clarification was made that this group would set new goals for the second increment.
- Roles & Expectations – Future meeting dates were shared with the group. The expectation is that all Single Planning Group members (or an alternate) will be present at all meetings. Several members have conflicts with the July meeting and no alternate will be available. Stephanie will have a separate orientation for those who cannot attend in July prior to the September meeting.
- Administration – Suggestions included:
  - Larger font
  - Black and white exhibits
  - Improve on sound/acoustics
  - Share info at least 7 days in advance (digital format) plus provide hard copies at meeting
  - Send link to website

- Decision-Making

D. Next Steps – Led by John Engel, HDR

- Each NRD summarize the goals/objectives/action items from Basinwide Plan. What goals/objectives were achieved? What were the failures? Include perspectives from FWS, for instance. “True up” information – what info was available then vs. today

E. Public Comment – No comments.





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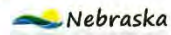


**June 16, 2016 – Upper Platte Basin Water Management Plan – Single Planning Group**  
**1:00 – 3:30 p.m.**  
**Monsanto Learning Center**  
**Gothenburg, NE**

Name	Stakeholder Affiliation	Email Address	Attended ?
Vernon Nelson	Tri-Basin NRD		
Tyrell Anderson			
Brian Barels	NPPD		
Jim Bendfeldt	Central Platte NRD Board		
Bob Busch			
Bob Dahlgren	Village of Bertrand		
Kevin Derry			
Thomas Downey			
Russell Edeal			
Judy Eggleston			
Bernard Fehringer			
Dave Fisher			
Richard Gatch			
Pat Heath	City of Gering		
Keith Koupal	NE Game & Parks		
Ervin Kramer	City of North Platte		
Don Kraus	CNPPID		
Galen Larson	Platte Valley Companies		
Tim Luchsinger	City of Grand Island		
Roric Paulman			
Joe Peplitsch	City of Lexington		
Larry Reynolds	Tri-Basin NRD Board		
Jay Richeson	Gothenburg Irrigation & Well Service		
Rodney Schaneman			
Dennis Schilz	Western Irrigation District		
Jeff Shafer	NPPD		
Carson Sisk	City of Kimball		
Dennis Strauch	Pathfinder Irrigation		
Kendra Strommen	Law Offices of Matzke & Mattoon		
Joe Wahlgren	TPNRD		







*Handwritten initials*

**June 16, 2016 – Upper Platte Basin Water Management Plan – Single Planning Group**  
**1:00 – 3:30 p.m.**  
**Monsanto Learning Center**  
**Gothenburg, NE**

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✓ Pat Heath	City of Gering		
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Jay Richeson	Gothenburg Irrigation & Well Service		
Rodney Schaneman			
shlz ✓ Dennis Schilz	Western Irrigation District		
✓ Jeff Shafer	NPPD		
✓ Carson Sisk	City of Kimball		
✓ Dennis Strauch	Pathfinder Irrigation		
✓ Kendra Strommen	Law Offices of Matzke & Mattoon		

✓ Bill Halligan  
 ✓ Chuck Hendel.  
 ? Kent Miller.





# Agenda

Project:	Upper Platte River Basin Water Management Plan– Single Planning Group			
Subject:	Orient and Prepare Meeting - II			
Date:	Wednesday, July 20, 2016			
Location:	Holiday Inn Express & Suites – North Platte, NE			
Invited SPG Members:	Vernon Nelson	Thomas Downey	Keith Koupal	Larry Reynolds
	Tyrell Anderson	Russell Edeal	Ervin Kramer	Jay Richeson
	Brian Barels	Judy Eggleston	Don Kraus	Rodney Schaneman
	Jim Bendfeldt	Bernard Fehringer	Galen Larson	Dennis Schilz
	Bob Busch	Dave Fisher	Tim Luchsinger	Carson Sisk
	Bob Dahlgren	Richard Gatch	Roric Paulman	Dennis Strauch
	Kevin Derry	Pat Heath	Joe Pepplichtsch	Kendra Strommen

## Agenda:

- I. Introductions
- II. Logistics/Process
  - a. Agenda Review
  - b. Administrative Items
  - c. Single Planning Group Membership
- III. Review of First Increment Basin-wide Plan goals and objectives
- IV. Working Lunch - to be provided
- V. Implementation During the First Increment
  - a. North Platte NRD
  - b. South Platte NRD
  - c. Twin Platte NRD
  - d. Tri-Basin NRD
  - e. Central Platte NRD
  - f. Nebraska DNR
- VI. Summary of Implementation with respect to First Increment Basin-wide Plan goals and objectives
- VII. New information available
- VIII. Additional information requests
- IX. Next Steps
- X. Public Comment

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan– Single Planning Group

Subject: Orient and Prepare Meeting - II

Date: Wednesday, July 20, 2016

Location: Holiday Inn Express & Suites – North Platte, NE

Attendees: See Sign-in Sheet

These minutes correspond to detailed slides that were presented at the meeting and can be found online at [www.dnr.nebraska.gov/iwm/upbwp](http://www.dnr.nebraska.gov/iwm/upbwp)

- I. Introductions
- II. Logistics/Process
  - a. Reviewed Open Meetings Act compliance, discussed safety-related items, reviewed facilitation process and logistics, and discussed stakeholder membership and responsibilities.
- III. Review of First Increment Basin-wide Plan goals and objectives – Led by John Engel, HDR.
  - a. Goals and objectives from the first increment Basin-wide Plan were reviewed. Questions arose regarding basis and significance of the year 1997 and its multiple references in the first increment goals and objectives. J. Schellpeper stated that 1997 was the year the Platte River Cooperative Agreement was signed. 1997 was included in the LB 962 language and is explicitly referenced in the governing state statutes.
- IV. Implementation During the First Increment – Presentations were given by each NRD and the NeDNR and can be found in the meeting PowerPoint presentation. Below is a summary of the questions and discussion pertaining to each presentation.
  - a. North Platte NRD – Barb Cross and Tracy Zayac, NPNRD
    - i. How successful have actions been? The robust review currently being conducted will provide that information
    - ii. How are COHYST/WWUM model differences resolved? The western unit of the original COHYST model served as the basis from which the WWUM was developed. The WWUM model is used to inform water management decisions in the NPNRD.
    - iii. How does the NPNRD handle groundwater transfers? NPNRD generally discourages transfers, because NPNRD is mindful of possible interference with surface water appropriators when evaluating potential transfers. Transfers that are permitted are required to offset any increases in depletions resulting from the transfer.
    - iv. Is there a ‘buy-down’ for allocation? Yes, \$20 per acre-inch

- v. What is the impact of lower valuations on retired acres? NPNRD irrigated acre valuations are typically \$2700 - \$3000 per acre. Pasture or dry land valuations are \$500 - \$700 per acre. NPNRD is cognizant of potential impacts on entities that rely on property tax revenues.
  - vi. Costs of temporary and permanent acreage retirements? Temporary (5-yrs typically) are \$150-\$175 per acre-foot; Permanent are up to \$250 per acre-foot
  - vii. How did the allocation time periods (1-yr, then 3-yr, now 5-yr) develop? Through producer and board member feedback – extended duration provides producers more flexibility.
- b. South Platte NRD – Rod Horn, SPNRD
- i. What are the SPNRD offset targets for the South Platte River? The SPNRD's offset target is 700 AF total – 400 AF to the South Platte River, 150 AF to Lodgepole Creek, 150 AF to the North Platte River.
  - ii. What are differences between COHYST and WWUM? The western unit of the original COHYST model served as the basis from which the WWUM was developed. Additions incorporated into the WWUM include a surface water operations component and incorporation of additional land use and metering data.
  - iii. What recharge efforts have SPNRD been involved in? Thirty percent of Western Irrigation District is in SPNRD. Two recharge pits and the main canal within district boundaries have been used.
  - iv. Are there new results from the WWUM and COHYST models that update old information? Yes, the new models are being used in the robust review and that information will be made available.
  - v. How does municipality water usage fit in? A baseline for municipal water use has been established and the NRD is responsible for addressing water use over that baseline until 2026, according to statute. If a municipality city limits grow into previously irrigated acres, the consumptive use of those acres can accrue to the NRD and be used to address additional depletions. The SPNRD groundwater management plan prohibits transfers within specified miles of any city limit and within the city limit.
- c. Twin Platte NRD – Ann Dimmitt, TPNRD
- i. What is J-2 reference on TPNRD “balance sheet”? J-2 refers to one of the PRRIP proposed water action plan projects involving a new regulating reservoir on CNPPID Tri-County canal system.
  - ii. On the “balance sheet” why the drop off in CRP credits? Those are temporary contracts with a sunset date.
  - iii. What is the purchase price for offset credits from CPNRD? \$35 per AF, with a 7% annual raise.
  - iv. What is the significance of 7,700 AF on the “balance sheet”? That is the post-1997 depletions estimate for uses within TPNRD that needs to be offset.
- d. Tri-Basin NRD – John Thorburn, TBNRD
- i. Are there wells within TBNRD where drawdown is an issue? Seasonally maybe, but generally not an issue in TBNRD. Seepage from CNPPID surface water canal system operations has created a ground water ‘mound’ in some areas of TBNRD.

- ii. Why were E-65 and Phelps canals used for recharge in 2013-2015? Elwood reservoir and E-65 are the preferred recharge facilities – quantity of available excess flows can dictate what facilities are used.
- e. Central Platte NRD – Lyndon Vogt, CPNRD
- i. As we go through this planning process should other changes/restrictions, such as drought provisions, be included? Not sure if specific changes or means to address droughts are necessary in the plan. Conjunctive management projects and activities undertaken in the first increment have helped to prepare and manage during droughts.
  - ii. General changes in plan necessary? Overall, the existing plan has been pretty good. Need to incorporate the longer term objective of reaching fully appropriated into the plan, as well as the results and new data from additional studies and updated modeling tools.
  - iii. When did COHYST and WWUM start, how is the overlying area between the two models addressed, and what improvements have been made to the models? COHYST initial efforts began in 1998 and consisted of an eastern, central, and western model unit – extending from Duncan to Wyoming. In 2009, the COHYST group started implementing enhancements to the original eastern and central model units, while the WWUM model group started a similar process for the area of the western model unit, using the original COHYST model as a basis. The surface water system in the overlapping area between the two models has a fairly clear division at Lake McConaughy. The link between the two models is the ground water fluxes at the boundaries and the surface water inflows to Lake McConaughy. Enhancements to the models have included incorporation of surface water operations, additional data for calibration, and coding enhancements to improve model performance.
- f. Nebraska DNR – Jennifer Schellpeper, NeDNR
- i. No questions were asked.

Following completion of the NRD and NeDNR summaries, K. Koupal of NG&PC provided some thoughts from his group’s perspective:

- It was a positive sign that the request was made by the group at the June stakeholder meeting for a conservation group’s perspective.
- The process and stakeholders are reliant upon the models for determining impacts to streamflows.
- One success story was the coordination with TBNRD on the North Dry Creek augmentation project and the effects on the fish community have been noticeable.
- Invasive species such as phragmites, silver carp, zebra mussels, quahog snails – are a concern, especially for trans-basin diversions.
- They have seen enough progress and are confident enough in the basin stakeholders and managers that they have allocated financial resources to recreational projects in the area.

K. Koupal was asked if his agency had input on PRRIP target flows. K. Koupal indicated that they participate on various PRRIP committees, but not directly on the PRRIP governance committee.

- V. Summary of Implementation with respect to First Increment Basin-wide Plan goals and objectives – J. Engel presented a summary of activities in relation to the current plan goals and objectives. A question arose whether any specific conflicts between surface water and ground water uses had been identified at the annual Basin-wide meetings. CNPPID has submitted several letters to NeDNR for their consideration, requesting the depletive effects of groundwater uses in the Upper North Platte River basin be further investigated. The response to CNPPID has been that the statutory requirements were being met and nothing additional was required at this time.
- VI. New information available – J. Engel summarized the additional data, studies, and tools that had been completed or updated during the first increment. A request was made to add the goals and a summary of results for each of the studies identified.
- VII. Additional information requests
  - a. A report card of first increment activities and their effectiveness in meeting plan goals and objectives.
  - b. A summary of study goals and results
  - c. A summary of first increment activities that worked the best
  - d. A glossary/acronym table of commonly used terms
  - e. A summary of model updates and updated estimates of post-1997 depletionsGeneral requests included:
  - f. Handouts using 2 slides per page
  - g. Possible to boost Wifi signal?
- VIII. Next Steps – Next single planning group meeting scheduled for September 21, 2016. This will be the first of the Goals meetings.
- IX. Public Comment - None



Meeting Date: 7-20-16



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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*not on signature sheet?*

*no email*  
*no name or email*

Meeting Date: \_\_\_\_\_



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X #no email







# Agenda

Project: Upper Platte River Basin Water Management Plan– Single Planning Group

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Subject: Meeting #3

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Date: Wednesday, September 21, 2016 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

## **Agenda:**

- I. Administration
  - a. Meeting Purpose
  - b. Today's meeting will offer a working lunch
  - c. Follow-up items
- II. Platte River Hydrogeology
  - a. Hydrogeology 101
  - b. Platte River Hydrogeology
  - c. COHYST background
  - d. Current modeling efforts
- III. Review & Refinement of First Increment Plan Goals
  - a. Goal 2: Prevent reductions in the flow of a river or stream that would cause noncompliance with an interstate compact or decree or other formal state contract or agreement.
  - b. Goal 3: Keep the plan current
- IV. Next Steps
- V. Public Comment

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan– Single Planning Group

Subject: Meeting #3

Date: Wednesday, September 21, 2016 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

- I. Administration – Led by Stephanie White, HDR
  - a. Meeting Purpose – This meeting is a turning point from the orientation sessions into discussion and refinement of goals; open meeting act was discussed; Stephanie reminded everyone to sign in
  - b. Today’s meeting will offer a working lunch – must sign in to eat
  - c. Follow-up items – At previous meeting, there was a request for summary of studies and detail of purpose and results; information was summarized into handout and given to meeting attendees; “Glossary of Terms” is in process and will be uploaded to website.
  - d. Generic copy of survey responses was requested and will be provided for this and future meetings when surveys are used to gather input in advance of a meeting.
  
- II. Platte River Hydrogeology – Background information and powerpoint presentation led by John Engel, HDR focused on:
  - a. Hydrogeology 101
  - b. Platte River Hydrogeology
  - c. Original COHYST modeling background
  - d. Current modeling efforts (WWUM and COHYST)

#### Additional Information Requested:

- How has new data collected been used and what have we learned from it?
- What is predicted value and reliability of models?
- How are precipitation patterns/topography/soil type/land use reflected in models?
- Robust review results will update initial estimates (post 1997 uses) and look at activities that occurred in first increment and what are the benefits
- Graphic of post-1997 wells (new wells only – not replacements)
- Graphic that shows calibration targets; map that shows monitoring wells and coverage used to build the models
- Describe the sensitivity analysis used in developing the models.

At future Single Planning Group meeting, more detailed information on the COHYST and WWUM will be presented.

- III. Review & Refinement of First Increment Plan
  - Discussion of PRRIP and Nebraska New Depletion Plan: Led by Jennifer Schellpeper, DNR. This included discussion of PRRIP background, target flows, and water action plan projects to offset depletions
  - NRDs, DNR, and majority of stakeholders have indicated, in general, that the plan is good and it’s working; would like to initially work within the plan and refine it, rather than start from scratch
  - Approach for today’s discussion is to revisit the current plan “as-is” and determine where it needs to be fine-tuned, focusing on Goals #2 and #3.

- a. Goal 2: Prevent reductions in the flow of a river or stream that would cause noncompliance with an interstate compact or decree or other formal state contract or agreement. – Led by Stephanie White, HDR

Goal 2 Goal and Objectives Discussion:

- Poll sent out prior to meeting. 12 responses - 80% said Goal 2 and the objectives are fine “as-is”.
  - Should it include drought conditions?
  - Is “other formal state contract or agreement” a moving target?
  - What about when it is not possible to reach goal?
  - “Prevent” may not be the right word and sentence is double negative.
  - Does interstate compact provide flexibility to be in noncompliance during drought conditions?
  - If new interstate compact is added, then would need to keep plan current.
  - Is action to ensure compliance or prevent non-compliance?
  - Goal 2 Possible Enhancements:
    - “Prevent or mitigate human-induced reductions in the flow of a river or stream that would cause noncompliance with an interstate compact or decree or other formal state contract or agreement”
  - Goal 2 Objective 1 – possible enhancement: Change objective to also include “human-induced”
  - Goal 2 Objective 1 Action Item A – Discussion
    - DNR and NRDs are responsible for implementation and overseeing of individual IMPs. Who ultimately ensures compliance?
    - Does wording address changes from original IMP?
    - Split action item A into 2 portions? **Discussion consensus is to keep Action Item A as is.**
  - Goal 2 Objective 1 Action Item B – Concerns
    - **Unanimous decision to keep Action Item B as is.**
  - Goal 2 – Potential Additional Objectives/Concerns:
    - If and when Nebraska New Depletions Plan (NDP) goals are met, what will status be or what will become of the PRRIP? Not explicitly tied together, basin wide plan and PRRIP have their own goals and objectives. The IMP process is integrated with PRRIP in that similar first increment goal is to offset impacts of new uses from 1997-2005 as part of NDP.
    - Flexibility built into BWP to enable opportunity to remove portions, segments, or subbasins from Program
  - Requests for future discussion:
    - Develop summary list of formal state contracts or agreements. Do these include reference to drought conditions?
    - Drought conditions need to be addressed in somewhere in plan.
    - Revisit order of goals in plan
    - Graphic showing roles/responsibilities for development and implementation
- b. Goal 3: Keep the plan current
- Goal 3 Objective 1 Discussion:
    - Needs to address reporting on implementation and compliance with plan, and results of implementing it.
    - Process for modifications/resolving disputes resolution need to be described.
    - Needs to address transparency of process/tracking of archives/clarity (Stakeholder & public input)
    - This goal may be better as last goal in list (goal 4)



- Should notice period be amended to require 45 day notice prior to meeting to stakeholders?
- Should objective #2 be a separate goal?
- Switch the order of objectives #1 and #2?
- “At least annually” – is that enough? **Unanimous to keep reference to “at least annually” as is.**

Further discussion on Goal 3 was postponed until the Single Planning Group has completed a thorough review of the current Plan’s Goals and Objectives

#### IV. Next Steps

- RSVP to next meeting – November 16, 2016
- Read the current Basinwide Plan to fully understand the Goals and Objectives contained therein.
- Respond to pre-meeting survey

#### V. Public Comment

- Jerry Kenny, Executive Director of the PRRIP provided comment on J. Schellpeper’s presentation – noting that it was precise and accurate. As projects and solutions move forward, the PRRIP and State are working diligently to become good partners in accomplishing the goals.

Meeting Date: 9.21.2016



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

Attended?	Name	Email Address	Affiliation	Primary or Alternate
<b>SPG Primary Members</b>				
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YES	Barels, Brian	<a href="mailto:blbarel@nppd.com">blbarel@nppd.com</a>	Public Power & Irrigation District	Primary
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Yes	Dahlgren, Bob	No email - rdahlgren a fcb 317 Medina Ave Bertrand, NE 68927 <del>lounis.com</del> *Direct Mail only	Municipality - Village of Bertrand	Primary
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	Downey, Thomas	<a href="mailto:tdowney@downeydrilling.com">tdowney@downeydrilling.com</a>	Ground Water User	Primary
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yes	Eggleston, Judy	<a href="mailto:JudyEggleston@aol.com">JudyEggleston@aol.com</a>	Irrigation District	Primary
yes	Fehringer, Bernard	<a href="mailto:bfehringer@icloud.com">bfehringer@icloud.com</a> <a href="mailto:bernie.fehringer@wheatbelt.com">bernie.fehringer@wheatbelt.com</a>	Public Power	Primary
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yes	Hoehn, Leo	<a href="mailto:Leo.hoehn@gmail.com">Leo.hoehn@gmail.com</a>	Groundwater Irrigator	Primary
Yes	Koupal, Keith	<a href="mailto:keith.koupal@nebraska.gov">keith.koupal@nebraska.gov</a>	Environment/Wildlife	Primary
Yes	Kramer, Erwin	<a href="mailto:backflow79@hotmail.com">backflow79@hotmail.com</a>	Municipality - City of North Platte	Primary
Yes	Kraus, Don	<a href="mailto:Dkraus@cnppid.com">Dkraus@cnppid.com</a>	Irrigation District	Primary
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Meeting Date: 9.21.2016



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# Agenda

Project: Upper Platte River Basin Water Management Plan– Single Planning Group

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Subject: Meeting #4

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Date: Wednesday, November 16, 2016 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

## **Agenda:**

- I. Administration
  - a. Today's meeting will offer a working lunch
  - b. September Meeting Recap
    - i. Meeting Minutes
    - ii. Key Discussion / Decisions
    - iii. Follow-up items
  - c. Review of Roles and Responsibilities
- II. Upper Platte Basin-Wide Plan – First Increment Review
  - a. Q&A
  - b. Bridging the First and Second Increment (Roadmap Handout)
  - c. Introduction of January Survey
- III. Modeling Overviews
- IV. Review & Refinement of First Increment Goals
  - a. Goal 1: Incrementally achieve and sustain a fully appropriated condition.
  - b. Goal 4: Work cooperatively to identify and investigate disputes between ground water users and surface water appropriators and, if determined appropriate, implement management solutions to address such issues.
- V. Next Steps
- VI. Public Comment

**Next Meeting: January 18, 2017**

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #4

Date: Wednesday, November 16, 2016 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites – North Platte, NE

Attendees: See Sign-in Sheet

## I. Administration

- a. Announcements and Introductions, including Open meeting act notices
- b. September Meeting Recap - minutes from last meeting not linked to DNR website – to be corrected
- c. Roles and Responsibilities
  - Roles and responsibilities from Public Participation Plan reviewed to provide clarity for the development of second increment; implementation is responsibility of NRDs; manager's will be included in discussion roundtable

## II. Upper Platte Basin-Wide Plan – First Increment Review

- a. Q&A - none
- b. Bridging the First and Second Increment (Roadmap Handout)
  - 46-715: interpretation of 46-715 defines additional consideration to be weighted by the SPG to determine additional progress goals towards a fully appropriated condition during the second increment.
  - Sustain balance between water uses and supplies so that economic viability, social and environmental health, safety, and welfare of the river basin can be achieved and maintained
  - Still need to comply with plan components that were addressed in first increment
  - How was overappropriated status determined? Original definition of OA area was not based on technical evaluation 46-713(4); based on areas where SW and GW moratoriums and a multi-state cooperative agreement were in place on July 16, 2004.
  - Question about the economic viability component – viability for whom? For some, taxes going up but allocation going down. Highlights the need for input from SPG in defining economic viability
  - Question about how do we know where we stand today? Need to monitor progress – currently being done and reported at annual basin meetings.
  - Stakeholder Comment - during first increment, we were in 10 year drought. Lesson is that we didn't have enough storage capacity during drought; looking to food/water for future generations, goals may change. Dams will be silted in. We need to start planning now.
- c. January survey will address 46-715 additional considerations

### III. Review & Refinement of First Increment Goals

A pre-survey was completed in advance of this meeting by 12 individuals. Results of that survey were discussed throughout this section of the meeting; full survey results are included at the end of these minutes.

- a. Goal 1: Incrementally achieve and sustain a fully appropriated condition.
  - 10 of 12 survey respondents said this goal is fine as-is
  - Pre-survey stakeholder comment to strike “incrementally achieve and”—REVISIT striking these words if basin is Fully Appropriated
  - Pre-survey stakeholder comment to estimate # of increments
  - **Vote for “No Modifications”** – 2 yellow cards;

#### Objective 1

- Pre-survey stakeholder comment to delete – this objective is supposed to be met at end of 1<sup>st</sup> increment, so not necessarily needed now. Where does each NRD think they are in achieving FA condition?
  - CPNRD - believe they have met requirement
  - NPNRD – believe they have met requirement
  - SPNRD – believe they have met requirement
  - TBNRD – believe they have met requirement; potential complication with J2 (now off the table, so need to look for alternatives)
  - TPNRD – believe they have met requirement
  - This will be validated/verified through the Robust Review
- Future decisions made based on best available science at the time (which has improved and is continuing to improve)
- Pre-survey stakeholder comment to end at “streamflow”, strike remainder
- Pre-survey stakeholder comment that offset needs to be in stream providing actual flow
- **Vote to move forward with objective as-is** – 1 yellow; **revisit with full set of data about FA condition**

#### Objective 2

- 9 of 12 survey responses fine as-is
- Pre-survey stakeholder comment to add WWUM.
- Pre-survey stakeholder comment that this is more than one objective. Clarified in action items.
- **Vote to strike reference to COHYST – rest to remain as-is.**

#### Objective 3

- 6 of 12 survey responses fine as-is
- Pre-survey stakeholder comment to delete. If FA, then does this apply?
- Pre-survey stakeholder comment to delete “continue” or “continue to develop the methodology to”. By statute, needs to be done in 1<sup>st</sup> increment.
- Pre-survey stakeholder comment about develop vs. enhance; difference vs. co-relationship



- Pre-survey stakeholder comment to add application of methodology
- Pre-survey stakeholder comment to add “in collaboration with the stakeholders within 1 year”
- Pre-survey stakeholder comment that objective is vague
- **Vote to move forward with no modifications**

#### Objective 4

- 8 of 12 survey respondents fine as-is
- Pre-survey stakeholder comment to strike “progress toward” – If FA, then does this apply?
- Pre-survey stakeholder comment to include some measure of how far we are going in this increment (i.e. reduce remaining difference by 50% instead of just making progress).
- Pre-survey stakeholder comment to analyze vs. analysis, i.e. ongoing
- Address timeline - # of increments: if we aren’t there, how long should it take to get there?
- **Vote to move forward with no modifications – address the timeline with action items**

#### Objective 5

- 8 of 12 survey respondents fine as-is
- Pre-survey stakeholder comment to reduce remaining difference by 50%; way it is written appears that funding is the limitation; discussion and comment from NRDs is that funding is not a restriction and other options are not precluded by wording.
- Pre-survey stakeholder comment to include regulation? Funding?
- Pre-survey stakeholder comment to strike first 4 words
- **Vote to move forward with no modifications**

#### Objective 6

- 9 of 12 survey respondents fine as-is
- Pre-survey stakeholder comment to strike “adopt and implement” and change to “Update”
- Pre-survey stakeholder comment to add “in accordance with the Plan”
- **Vote to move forward with modification – “Update and continue to implement IMPs in each Platte River Basin NRD.”**

b. Goal 4: Discuss at January meeting

#### IV. Modeling Overviews

- a. COHYST – Presentation and Q&A by Duane Woodward, CPNRD
- b. WWUM – Presentation and Q&A by Thad Kuntz and Heath Kuntz, Adaptive Resources, Inc.

#### V. Next Steps

- Vote to determine if group should meet if there is no data concerning difference between current and fully appropriated status: Majority voted to meet as scheduled; 6 voted to not meet if data is not available. **January meeting will be held on schedule, regardless of if data is available for difference between current and fully appropriated status.**
- Goal 4: Discuss at January meeting

VI. Topics to Address in 2nd Increment (flip chart topics)

- Drought Conditions
- Revisit order of goals
- Economic & Social Impacts
- Oversight
- Conjunctive Mgmt (ground AND surface)
- Food & Clean water for future generations
- Monitor Progress (score sheet)
- Storage Capacity & Maintenance
- Have we jumped from over to fully?
- Timeline; number of increments

VII. Public Comment

- None

Adjourn at 3:20 pm

Meeting Date: 11/16/16



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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✓	Bendfeldt, Jim	<a href="mailto:jcb1@fastmail.com">jcb1@fastmail.com</a>	Central Platte NRD	Primary
✓	Busch, Bob	<a href="mailto:rnbusch@actcom.net">rnbusch@actcom.net</a>	Surface Water User	Primary
RBD	Dahlgren, Bob	<a href="mailto:Rdahlgren@fsbloomis.com">Rdahlgren@fsbloomis.com</a>	Municipality – Village of Bertrand	Primary
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BF	Fehringer, Bernard	<a href="mailto:bfehringer@icloud.com">bfehringer@icloud.com</a> <a href="mailto:bernie.fehringer@wheatbelt.com">bernie.fehringer@wheatbelt.com</a>	Public Power	Primary
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B 70	Halligan, Bill	<a href="mailto:Bill.halligan@pwcbank.com">Bill.halligan@pwcbank.com</a>	South Platte NRD Board	Primary
PH	Heath, Pat	<a href="mailto:pheath@gering.org">pheath@gering.org</a>	Municipality – City of Gering	Primary
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yes	Strauch, Dennis	<a href="mailto:dennis@pathfinderirrigation.com">dennis@pathfinderirrigation.com</a>	Irrigation District – Pathfinder Irrigation	Primary

Meeting Date: \_\_\_\_\_



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<i>RZ</i>	Zach, Randy		Public Power & Irrigation District	Alternate
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	Eckles, Beth		NDNR	
	<del>Fahrenbuch, Tammy</del>	<del><a href="mailto:tfahrenbruch@tribasinprd.org">tfahrenbruch@tribasinprd.org</a></del>	<del>Tri-Basin NRD</del>	<del>won't attend</del>
	Glanz, Travis	<a href="mailto:tglanz@spnrd.org">tglanz@spnrd.org</a>	South Platte NRD	
<i>Yes</i>	Horn, Rod	<a href="mailto:rlhorn@spnrd.org">rlhorn@spnrd.org</a>	South Platte NRD	
<i>Yes</i>	Miller, Kent	<a href="mailto:komiller@tpnrd.org">komiller@tpnrd.org</a>	Twin Platte NRD	
	Mintken, Jesse	<a href="mailto:mintken@cpnrd.org">mintken@cpnrd.org</a>	Central Platte NRD	
	Mosier, Melissa	<a href="mailto:melissa.mosier@nebraska.gov">melissa.mosier@nebraska.gov</a>	NDNR	
	Osborn, Colby		NDNR	
<i>JS</i>	Reisdorff, Ryan	<a href="mailto:rreisdorff@spnrd.org">rreisdorff@spnrd.org</a>	South Platte NRD	





## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #5

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Date: Wednesday, March 15, 2017 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. Administration
  - a. Today's meeting will offer a working lunch
  - b. This is an Open Meeting
  - c. November Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
  - d. Review of Decision-Making Process
- II. Second Increment Discussion
  - a. Present survey responses
  - b. Desired outcomes for the 2<sup>nd</sup> Increment
- III. Background
  - a. INSIGHT Analysis of Basin Supply and Demand
  - b. Growth in Depletions
- IV. Next Steps
- V. Public Comment

**Next Meeting: May 17, 2017**

# SPG Meeting #5 - Meeting Minutes

*Date: March 15, 2017*

*Location: Holiday Inn Express & Suites – North Platte, NE*

All meeting materials and a sign-in sheet can be found online at <http://upbwp.nednr.nebraska.gov/>

## Agenda

- I. Administration
  - a. Today's meeting will offer a working lunch
  - b. This is an Open Meeting
  - c. November Meeting Recap
    - i. Meeting minutes
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  - b. Desired outcomes for the 2<sup>nd</sup> Increment
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  - b. Growth in Depletions
- IV. Next Steps
- V. Public Comment

## I. Administration – Stephanie White

### November Meeting Recap

Review of on-going parking lot of topics to include in the 2<sup>nd</sup> Increment Plan; items from the survey results have been added to the list which has been categorized into four groups:

1. Administrative
2. General Management
3. Economic, Social, Environmental
4. New / Additional Sections

The following table shows the four categories of items; text in **Green text indicates new topics from the survey.**



**Issues to be Addressed in the 2<sup>nd</sup> Increment**

<p><b>Administrative</b></p> <ul style="list-style-type: none"> <li>• Revisit order of goals</li> <li>• Define FA (unknown numbers)</li> <li>• # of increments</li> <li>• Meter the whole state?</li> </ul>	<p><b>General Management</b></p> <ul style="list-style-type: none"> <li>• Oversight</li> <li>• Monitor progress (score sheet)</li> <li>• Improved model for lower reaches</li> <li>• Accounting for surface water appropriators</li> <li>• Offsets based on timing and locations</li> </ul>
<p><b>Economic, Social, Environmental</b></p> <ul style="list-style-type: none"> <li>• Clean food and water for future generations</li> <li>• Water quality</li> <li>• Fish, Wildlife, park lands</li> <li>• Check valves on wells</li> <li>• Economic analysis (scenarios)</li> <li>• Management of the Resource</li> </ul>	<p><b>New Sections / Additional</b></p> <ul style="list-style-type: none"> <li>• Drought conditions</li> <li>• Storage</li> <li>• Conjunctive Management</li> <li>• Hydropower</li> </ul>

**Review of SPG Decision Making Process**

- The first goal is consensus.
- A majority vote is the determining factor for all sections of the plan.
- If the group cannot reach a majority, the NeDNR and the NRDs will work together to resolve the disputed issues.
- If the SPG is unable to come to consensus by June 2018, the NeDNR and the NRDs will work together to resolve the disputed issues and create a final plan by August 2018.

**II. Second Increment Discussion – Stephanie White**

Survey results (included in the meeting materials posted online) were reviewed and discussed; discussion focused on questions 1-3, with question 4-6 discussion taking place at the next meeting. The notes in this section reflect an open discussion among the SPG members. Statements are not necessarily attributed to any one individual nor should they be construed as conclusions as the whole group.

**Q1 DISCUSSION:**

Question 1 focused on the overall intent for the 2<sup>nd</sup> increment plan. The majority of responses indicated the plan should maintain what has been done to date and make more progress towards fully appropriated conditions. SPG members understand the statute intends for the plan to be reviewed every 10 years to document progress and adjust goals as necessary. Further development of the basin can occur only by maintaining a water supply that meets social and economic goals. Some SPG members feel there are unknowns that inhibit progress (such as definition of fully appropriated, and lack of real numbers and reach targets)

and that too many models are being run without definitive results. An option was brought forward for discussion that involved adding storage in order to meet demands during times of shortage. Specific comments included:

- Statute intended that the plan should be reviewed in ten years to document progress and adjust where needed to meet that goal
- There is a lot of space and variability in the term to “make more progress”
- The only way to allow further development in the basin is by meeting the goals - socially and economically
  - Perception that “model after model” is run
  - Can we maintain an inefficient conjunctive management system – we aren’t getting there from the unknowns. The unknowns are:
    - Phantom numbers to meet surface water expectations
    - Reach targets for ground water baseflows
- Supply and demands: When you combine (Surface water CU demands) + (hydro power demands), it is not possible to meet all the demands even with no depletions from groundwater use. Need additional storage to maintain balance.
- May be a need for a fourth option for question response – we are done except we need to add storage to the system.

#### **Q2: DISCUSSION**

Question 2 requested SPG members provide their input on a specific target for depletion offsets to include in the plan. The majority responded that no further progress was necessary. From those that did respond with a target, the values ranged from 10,000 – 150,000 AF. The discussion focused on uncertainty in the definition of fully-appropriated with SPG members suggesting definitions ranging from consideration of balancing water supplies and demands only, to maintaining the economic viability of the basin, to a system that can hydrologically reset itself periodically – presumably during wet periods. In addition, the need for a target range rather than a specific value was discussed. Specific discussion items included:

- We do not have a definition for fully appropriated
  - Numbers are not set in stone; need a real number
  - Until there is a definition of fully appropriated Q1 and Q2 aren’t relevant
- The notion that we need to fulfill every need on the river is not what a prior appropriation state is about
- A range of values is more appropriate given variability in hydrology – also is consistent with how the NRDs and NeDNR will implement the plan.
- We need to find a range that basin members are willing to work within
  - Need to find ways to get the consumption within that range
  - Need to adjust to the economics accordingly – we have no choice

#### **Q3: DISCUSSION**

Question 3 focused on the current plan’s adequacy in addressing the call to maintain the economic viability of the basin. The majority of respondents indicated that they believe the current plan does maintain the basin’s economic viability. Economic viability is very important to the group and considerations such as agricultural production, fish and game, hydropower, municipal and industrial development, property tax and land values, political subdivisions,

production costs, commodity prices, etc. were all identified as key factors. Some of these factors are related to water supply and some are farther removed. The group expressed concern that taking more land out of production is not viable long term – for producers as well as others that generate income and tax revenue based on agricultural production. Alternative management of conjunctive management or hydropower projects was also discussed as a means to better meet the water demands of the basin. Specific items of discussion included:

- How would you develop economic viability?
  - A lot is considered in this, ag production use, fish and game, hydro power, pumping, land values, different political subdivisions (school districts, fire districts - need to understand the political subdivisions and impacts) – seeing this affect in southern Lincoln county from NCORPE. If you don't have income producing land and projects, you don't have a tax base to support these elements
- Hydropower users understand they have a junior right. Their concern is shortages, not by being a junior appropriator, but by further shortages caused by further development.
- Concern about land values; water demands make Nebraska land less valuable than adjacent states.
- Economic viability is not the objective based on statute – “Achieve and sustain a balance” as stated in statute
  - Water should not become the obstacle to economic viability; need the balance
- We have spent millions of tax dollars purchasing water and taking it out of production to meet first increment goals; this is counter intuitive and impacts the basin and the tax base
- Establish the viability of independent systems – there are established uses and established rights that should be supported
- Conjunctive Management – managing the ground water and surface water as one resource. Can we do it a little differently so we can meet goals?
- Funding sources – where are funds going to come from and is that source sustainable?
- Can what has been done to date be economically sustainable going forward? What part does the water supply specifically play?
  - Need to be careful that what we are doing isn't hindering people from economic viability in the basin
  - There is a minimum amount of water to deliver a crop - that is a base or floor of required water supply for viable ag production.
  - Taking land out of production can't be sustained for future generations
- So many factors (production costs, commodity prices, etc) involved in the economic viability for producers that water is far removed from true economic viability
- Some stakeholders want to be allowed to keep doing what they are doing – they don't want to curb their usage any further
- Return On Investment – Cost Benefit – should a cost-benefit analysis of different uses of available supply be completed to inform 'best' use?
- It is not viable to continue to retire land from ag production.
- It is important that economic viability be geographically/spatially balanced across the entire basin.

### III. Background

#### **INSIGHT Analysis of Basin Supply and Demand – Jessie Winter**

This section of these minutes includes actual speakers notes used at the meeting. The PowerPoint presentation is posted with the meeting materials.

#### **DRAFT ANALYSIS FOR THE UPPER PLATTE RIVER ABOVE ODESSA**

The following is a brief summary of the information presented at the Platte Basin Single Planning Group meeting on March 15, 2017. The water supply and water demand information presented at the meeting represents the culmination of years of work by the Nebraska Department of Natural Resources and five Upper Platte River Basin Natural Resources Districts. This effort was one of many actions called for in the basin-wide plan and integrated management plans adopted in 2009, following an initial designation by the Legislature in 2004 that the Platte River Basin upstream of the Kearney Canal (approximately Odessa, Nebraska) is overappropriated.

This water supply and water demand information will assist stakeholders and decision makers in developing management targets for the second increment of planning (2019-2029) to support implementation of various activities aimed at ensuring the sustainability of water supplies and water uses so that the economic viability, social, and environmental health, welfare, and safety of the Upper Platte River Basin can be maintained for the long-term.

#### **METHODS USED FOR THE EVALUATION**

The methods used for this evaluation were developed over the course of several years and included participation from: state and natural resources district management and staff, stakeholder input through several basin and statewide meetings, and hired consulting services.

- The concept is generally quite simple, we consider how much water comes in to the basin as streamflow supply, how much goes out through consumptive uses and how much needs to remain in the stream for areas downstream or for other non-consumptive uses such as hydropower and instream flows for supporting various species in the central Platte River.
- For this analysis, we looked at the period of 1988 – 2012 to represent naturally occurring wet and dry cycles.
- The annual data are parsed out into two seasons: June-August, which represents the peak season, when irrigation demands are highest, and September-May, which represents the non-peak season, when demands are lower.
- The goal of the method is to evaluate the balance in water supplies and water demands through the wet and dry cycles and the two seasons to identify times of shortage and times of surplus.

#### **WATER SUPPLIES**

The water supplies in this evaluation consist of estimating the amount of streamflow supply that would be available prior to uses occurring. Essentially this is how much water would be in the river before we take any out. This is accomplished by adding together the following information:

- Streamflow is the first component of the basin water supply. This is the gaged or measured streamflow at the Platte River at Odessa gage.

- The surface water consumption for irrigation generally estimated from crop irrigation demands and the acreage served by surface water within each irrigation district. These estimates come from the extensive modeling efforts (WWUM and COHYST) that have been developed for the Platte Basin.
- Evaporation from major reservoirs was determined using weather station and pan evaporation data. The reservoirs for which evaporation was considered were Lake McConaughy, Lake Maloney, Elwood Reservoir, Jeffery Reservoir, and Johnson Reservoir.
- Groundwater depletions are the final component. Depletions represent the estimate of water removed from streamflow due to groundwater pumping in the hydrologically connected area. Groundwater depletions were estimated using the COHYST and WWUM.
- The estimated total basin water supply ranges from about 1 million acre-feet during drier periods to over 2.5 million acre-feet during wet periods.
- The supply does vary through time, there are wetter times and dryer times. This is primarily driven by the streamflow component so it is naturally occurring.

#### **WATER DEMANDS**

The water demands considered in the evaluation consists of consumptive uses of surface water and groundwater, water used by large canals to deliver water to the fields in those irrigation districts, hydropower, instream flows, and water for downstream areas. The following further describes these demands.

- Surface water demands include those for irrigation and evaporation.
- Groundwater depletions include demands for irrigation and municipal needs and represent the estimate of water removed from streamflow due to groundwater pumping in the hydrologically connected area.
- The demands for net surface water loss represent the seepage loss to the aquifer during transport of surface water through canal systems and losses at the field for surface water irrigated lands. Another way to say that is, that it represents the amount of water needed to get the consumptive use portion to the field.
- Non-consumptive demands represent uses that require water to remain in the stream. The three types that exist in the Upper Platte above Odessa are hydropower, instream flows for fish and wildlife, and downstream demands for the Platte basin below Odessa.
- The total consumptive demands to meet municipal demands and all irrigation demands, including water to conveying supplies through irrigation canals averages approximately 1.5 million acre-feet.
- An additional approximately 1 million acre-feet is necessary to meet all non-consumptive demands.

#### **BALANCES**

The results of the evaluation indicate that the current volume of water permitted for use is larger than the volume of water supply that is available on an average annual basis within the Upper Platte River Basin.

- The average annual supply is generally sufficient to balance the irrigation and municipal demands, however shortages do occur and are typical during the irrigation season.
- The average annual supply is typically insufficient to meet all demands once the non-consumptive demands such as hydropower, instream flows, and downstream need are included. The average deficit is approximately 1 million acre-feet per year.

#### QUESTIONS AND DISCUSSION ON DRAFT ANALYSIS

The notes in this section reflect an open discussion among the SPG members on the INSIGHT analyses. Statements are not necessarily attributed to any one individual nor should they be construed as conclusions as the whole group.

- Are you overstating the non-consumptive demands in terms of hydro?
- If hydro was reduced by management, how would that affect the graph
  - Different management of hydropower would have a direct affect
  - Where would we be if we had wind power and only used the water for hydropower when we needed it?
- Net surface water loss – is this hydrologically connected and accounted for?
  - Assume that the canal loss is to seepage and baseflow gains to the river due to this seepage are reflected in surface flows at the downstream river gages.
- Surface water supplies – how was storage accounted for?
  - Change in storage during non-irrigation period was quantified and added to the supply available to meet demands during peak season.
- The surface water canal system plays an important role because seepage revitalizes the aquifers; need to keep the canal system healthy.
- How is atmospheric moisture accounted for?
- Keep in mind the goal of this is to make the resource last forever. Surface water supply varies considerably from year to year. This year all water demands are satisfied, but what if it is dry next year?
- INSIGHT analysis doesn't reflect the prior appropriation system used to manage surface water, but instead shows all existing demands on the system
- Dependency of system on return flows – smaller surface water reductions
- The INSIGHT analysis is based on historic flow conditions and existing demands, not predictive in nature.

#### **Growth in Depletions - John Engel**

This discussion centered on an 11x17 handout called 'Growth in Depletions Infographic' which can be found online: [http://upbwp.nednr.nebraska.gov/Media/GrowthInDepletions\\_05.pdf](http://upbwp.nednr.nebraska.gov/Media/GrowthInDepletions_05.pdf)

- Numbers are based on best available data – will be updated based on the robust review currently underway.
- Supply and Demand Balance - Shows the values taken from the Basin-Wide Supply and Demand Analysis. Moves from being in the positive to the negative incrementally as demands are added to reach total demand on the system. (annual average values illustrated)
- Growth and Depletions - This is what the modeling shows – this is developed by running a simulation with no groundwater pumping occurring and then you run the same model again with groundwater pumping occurring.
- 16,880 AF is the starting point for the second increment (Post – 1997 use depletions required by statute to be addressed in first increment)

- For a desired outcome – the chart is useful in showing what mitigation targets correspond to the desired outcome.
- The growth in depletions are not based on new uses - we have uses in place that have affects that haven't hit the stream yet
- The Statute refers to the overappropriated areas; this is the only basin in the State of Nebraska that is overappropriated
- Question - Concern about the blue line – if we maintain the aquifers and the elevation of the river is higher than the surrounding ground, do we have growth in depletions?
- When you look at the table – it compares what it would be like without pumping
- Can we tighten up 43,600 AF to 126,170 AF of estimated first increment activity benefits?

## **IV. Next Steps**

**Next Meeting: May 17, 2017**

Topics will include:

- A working definition of economic viability based on the conversation today
- Continued discussion of survey questions 4-6
- Review of annotated 1<sup>st</sup> Increment Plan that shows updating progress to-date.

### **Action items**

- Request to add assumptions on Jessie's slides
- Move resources materials up on website page
- Include a link to the resource materials in meeting invitations to SPG members
- Shift room so the front wall is open for white wall work

## **V. Public Comment**

- Request for a summary of the data presented – Jerry Kenny

May 2017

**SUMMARY**

**UPPER PLATTE BASIN-WIDE PLANNING PROCESS**

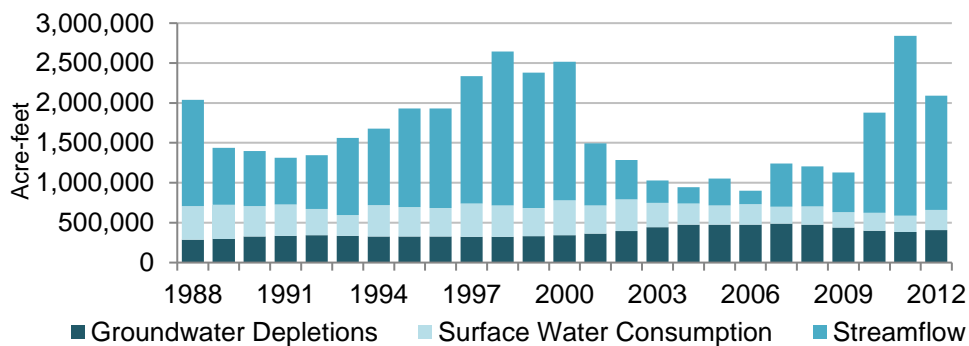
# INSIGHT WATER SUPPLY AND WATER DEMAND - **DRAFT**

## SUMMARY FOR THE **UPPER PLATTE RIVER BASIN ABOVE ODESSA**<sup>1</sup>

**Overall findings:** The **draft** results of the evaluation indicate that the current volume of water permitted for use is larger than the volume of water supply that is available on an average annual basis within the Upper Platte River Basin.



### Basin Water Supply: Annual



THE WATER SUPPLIES IN THIS EVALUATION CONSIST OF ESTIMATING THE AMOUNT OF WATER THAT WOULD BE IN THE RIVER BEFORE ANY IS TAKEN OUT.

**The total water supply is determined by adding together the following components:**

- Groundwater depletions represent the estimate of water removed from streamflow due to groundwater pumping in the hydrologically connected area.
- **Surface water consumptive use for irrigation** was estimated from crop irrigation demands and the acreage served by surface water within each irrigation district.
  - Evaporation from major reservoirs was determined using weather station and pan evaporation data. Reservoirs considered were Lake McConaughy, Lake Maloney, and Elwood, Jeffery, and Johnson Reservoirs.

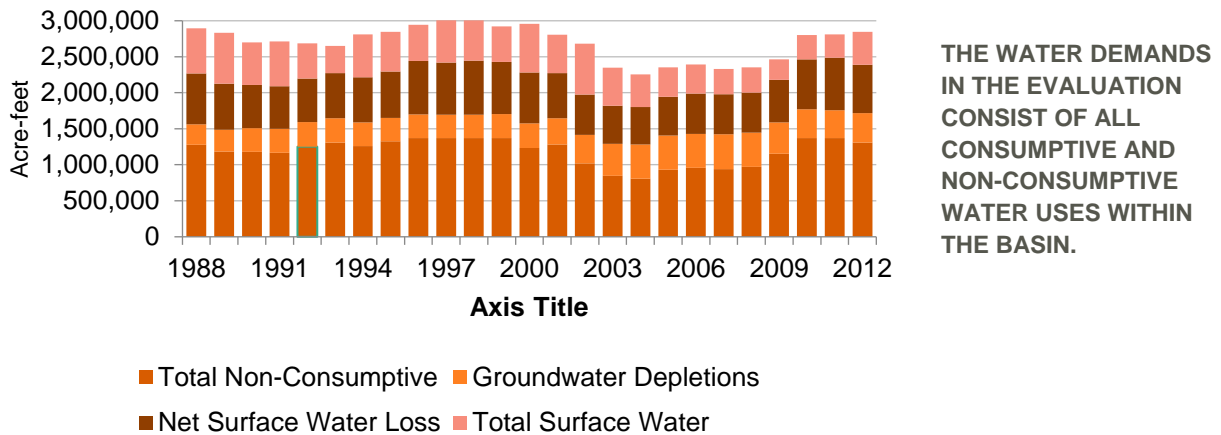
<sup>1</sup> This is a brief summary of the **DRAFT** information presented at the Platte Basin Single Planning Group meeting on March 15, 2017. This information and the results of the evaluation are **draft at this time and subject to change following further review.**



- Streamflow is the gaged or measured streamflow at the Platte River at Odessa gage. The supply varies through time - naturally occurring wet and dry periods are reflected in the streamflow component.

**Results:** The estimated total basin water supply ranges from about 1 million acre-feet during drier periods to over 2.5 million acre-feet during wet periods.

### Total Demand: Annual (Near-Term)

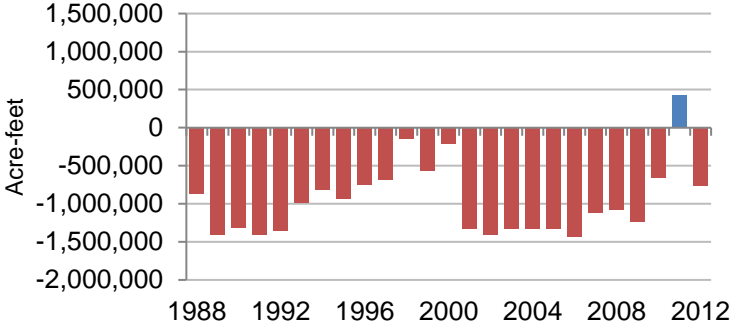


**The total water demand is determined by adding together the following components:**

- Non-consumptive demands represent uses that require water to remain in the stream. The three types that exist in the Upper Platte above Odessa are hydropower, instream flows for fish and wildlife, and downstream demands for the Platte Basin below Odessa.
- Groundwater depletions include demands for irrigation and municipal needs and represent the estimate of water removed from streamflow due to groundwater pumping in the hydrologically connected area.
- The demands for net surface water loss represent seepage loss to the aquifer during transport of surface water through canal systems and losses at the field for surface water irrigated lands.
- Surface water demands include those for irrigation and evaporation.

**Results:** The total consumptive demands to meet all municipal demands and irrigation demands averages approximately 1.5 million acre-feet. An additional approximately 1 million acre-feet is necessary to meet all non-consumptive demands.

### Balance: Annual



THE AVERAGE ANNUAL SUPPLY IS TYPICALLY INSUFFICIENT TO MEET ALL DEMANDS. THE AVERAGE DEFICIT IS APPROXIMATELY 1 MILLION ACRE-FEET PER YEAR.

May 2017 –

**KEY ASSUMPTIONS AND METHODS**  
**UPPER PLATTE BASIN-WIDE PLANNING PROCESS**

**INSIGHT WATER SUPPLY AND WATER DEMAND -**  
**DRAFT**

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KEY ASSUMPTIONS AND METHODS FOR THE **UPPER PLATTE RIVER BASIN**  
**ABOVE ODESSA**

## Water Supplies

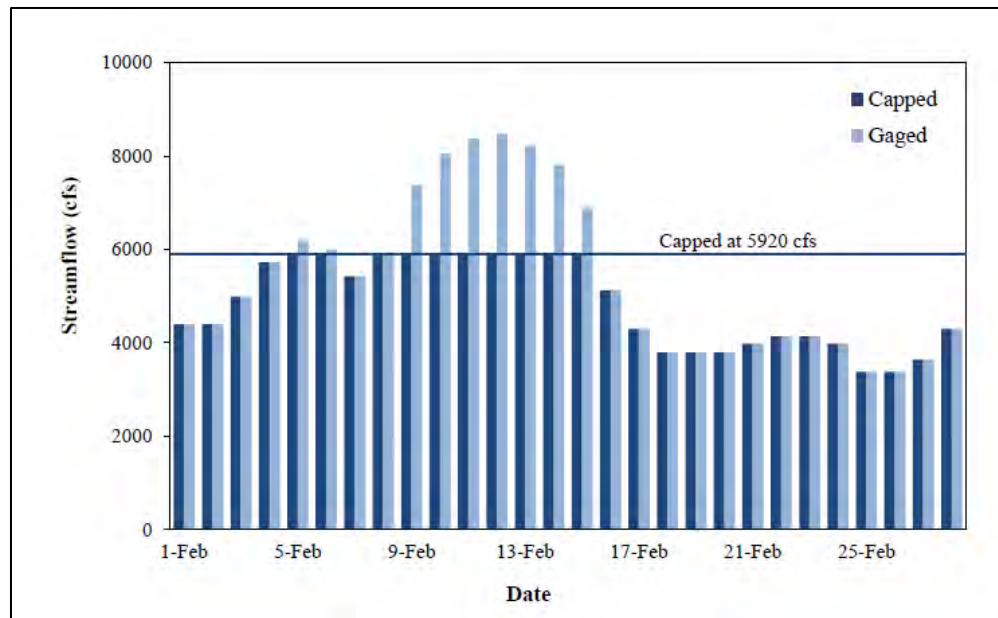
For purposes of the evaluation methodology, the water supplies consist of the summation of streamflows, surface water consumptive uses, and groundwater depletions. Water supplies were tabulated for the period of 1988 – 2012 to represent naturally occurring wet and dry cycles. Required inflows are also included in the water supplies when evaluating individual sub-basins, but not when evaluating the entire overappropriated basin. Further description of each element of the water supply is provided below.

Streamflows– streamflows are the measured streamflow of the basin with the exception that mean daily flows in excess of the five-percent exceedance probability are capped at the five-percent exceedance value (see Figure 1)<sup>2</sup>. The streamflows for a sub-basin are calculated by subtracting the upstream gage from the downstream gage to establish the gain/loss in streamflow for each sub-basin. The exceptions are as follows:

- Lewellen Streamflow = Uncapped Lewellen gage
- South Platte Streamflow = Capped South Platte River at North Platte gage + Historic Kory Diversion
- North Platte Streamflow Gain = Capped North Platte gage + 40 cfs – Capped Keystone gage. (This was done to prevent Lake MAC operations from influencing the analysis.)
- Odessa Streamflow Gain = Capped Odessa gage – Capped “Streamflow at Confluence” of North Platte & South Platte Rivers + Kearney Diversion where the “Streamflow at Confluence” = North Platte River at North Platte + South Platte River at North Platte + Sutherland Return

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<sup>2</sup> Note: This is not done at Lewellen because Lake MAC does have the capacity to capture extreme events.



**FIGURE 1: EXAMPLE OF AN EXCEEDANCE PLOT AND THE RESULT FROM CAPPING STREAMFLOWS AT THE FIVE-PERCENT EXCEEDANCE FLOW PROBABILITY (SOURCE: “INSIGHT METHODS” 2015)**

Groundwater Depletions – Groundwater depletions within the overappropriated portion of the Platte River Basin were calculated using the COHYST and WWUM to estimate the total impact groundwater pumping has had on streamflows through the period of record evaluated in the analysis (1988-2012).

Historical groundwater pumping and surface water deliveries within the COHYST model area which determined based on crop demands. Groundwater was used to meet the portion of crop demand that could not be met by surface water deliveries.

Surface Water Consumptive Use<sup>3</sup> – The surface water consumptive use aims to identify the level of consumption that occurred as a result of surface water diversions for irrigation and evaporation from major reservoirs (Lake McConaughy, Lake Maloney, Elwood Reservoir, Jeffery Reservoir, and Johnson Reservoir). The surface water consumption that was calculated for each canal included in the analysis was generally estimated from crop irrigation demands and the acreage that is served by surface water within each irrigation district. Surface water consumption was calculated for all major canals in the overappropriated portion of the Platte River Basin with the exception of Pathfinder Irrigation District, Gering-Fort Laramie, Mitchell-Gering, and Tri-State canals that divert from the North Platte River in the proximity of the Nebraska-Wyoming state line. The surface water consumptive use from these canals was not included in the water supply calculations and was also excluded from the consumptive surface

<sup>3</sup> . Note: There are still three years (1993, 1995 and 1999) that the SW CU exceeds the demand in the WWUM. ARI would need more time to refine the splits for GW Pumping to CU on comingled acres versus the SW diversions to CU on comingled acres.

water demand calculations. The models used to estimate surface water consumptive use represent historic irrigation practices.

Required Inflows – Required inflows are included as part of the water supply for each sub-basin with the exception of the two sub-basins (North Platte River Stateline to Lewellen and South Platte River Stateline to North Platte) that initiate from the state line. Required inflows represent the portion of water supply that flows from upstream locations to assist in meeting a portion of demands in downstream locations. The process for determining the portion of demands that is met by required inflows is based on determining each upstream subbasins proportional contribution to the overall water supply available in the downstream subbasin.

## Water Demands

For purposes of the evaluation methodology, the water demands consist of the summation of consumptive use demands for irrigation, municipal, and industrial uses that are served by groundwater or surface water, net surface water loss, hydropower, instream flows, and downstream demands. Further description of each element of the water demands is provided below.

Consumptive Surface Water Demands<sup>4</sup> – The demands for surface water include those for irrigation and evaporation as no significant municipal or industrial uses occur in the area. The models used to estimate surface water demands assume commingled lands are irrigated with groundwater. The demands are calculated by multiplying the surface water irrigated acres by the consumptive use estimates (irrigation requirements). Additionally, the temporal distribution of surface water demands differs from surface water consumptive use in that surface water demands that have access to water stored in reservoirs are redistributed from the peak season (June – August) to the non-peak season (September – May). SWD has been defined as the greater of either SWCU or the product of surface water irrigated acreage and the NIR for corn. The COHYST utilized the BL001 run data which assumed that comingled acres were fully met by groundwater. Also, BL001 repeats year 2005 land use post 2005.

Consumptive Demands for Hydrologically Connected Groundwater (**Long-Term Groundwater Demands**)<sup>5</sup> – The demands for hydrologically connected groundwater are based on consumptive use estimates (irrigation requirements) multiplied by groundwater irrigated acres and comingled acres within the hydrologically connected area (10/50 area). The COHYST utilized the BL001 run data which assumed that comingled acres were fully met by groundwater. BL001 varies land use, acreage, and climate from year-to-year through 2005. Post 2005, BL001 repeats year 2005 land use and acreage but varies climate. For the WWUM area groundwater demands were set equal to groundwater depletions since groundwater depletions

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<sup>4</sup> In the COHYST area, SW demands for canals that may span more than one subbasin can be assigned to the point of diversion.

<sup>5</sup> ARI has indicated that M&I pumping has been included in the provided data. TFG has provided M&I as a separate dataset. The TFG M&I data only goes through 2005; therefore, 2005 was repeated through 2012.

were often in excess of the groundwater demands<sup>6</sup>. The seasonal distribution of groundwater demands assigns 70% of the demands to the non-peak season (September – May) and 30% to the peak season (June – August). The split is current condition, and may shift in the future to more peak season depletions (60/40, 50/50, etc.) in coming years as aquifers are depleted.

Lake McConaughy Change-in-Storage- Non-peak season change-in-storage is used to reduce peak season uses that hold storage water rights in Lake MAC. These demands are not reassigned to the non-peak season (break from INSIGHT methodology)

Demands for Net Surface Water Loss – The demands for net surface water loss represent the seepage loss to the aquifer during transport of surface water through canal systems and losses at the field for surface water irrigated lands. This loss was estimated based on the difference between modeled head-gate diversions and surface water demands (the consumptive portion of diversions)<sup>7</sup>.

Demands for Hydropower – Hydropower demands are represented for the Sutherland hydropower facility, CNPPID hydropower facilities (Jeffery, J-1, and J-2, with the Kingsley Hydropower excluded)<sup>8</sup>, and Kearney hydropower facility. The demands for hydropower are represented by summing the streamflow and groundwater depletions (undepleted streamflow) available at the point of diversion and comparing that value to the lesser of the canal capacity or water right. Once the lesser of the undepleted stream, canal capacity, or water right has been established, the final step in calculating the hydropower demand is to integrate the surface water irrigation demands with the hydropower demands to ensure that the combination of demands does not exceed the canal capacity. If the combined demands exceed the canal capacity then the hydropower demands are further reduced to the canal capacity.

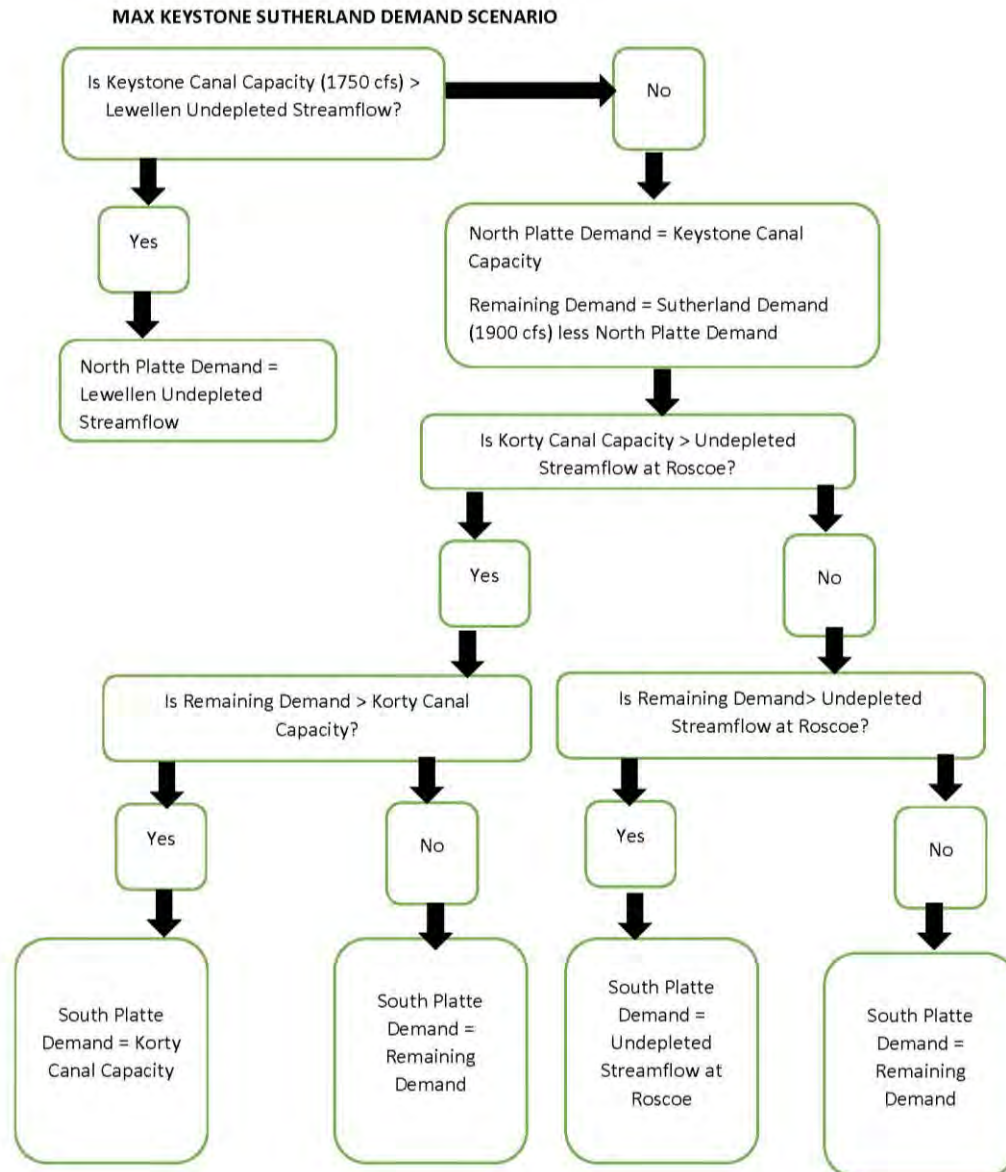
Two Sutherland demands scenarios were considered in order to “bookend” the demands that could be placed on either the North Platte or South Platte subbasin. The Keystone demand scenario is shown below. The Kory Demand Scenario reverses this process.

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<sup>6</sup> This was done because in some cases the GWDP > GWCU which was counterintuitive. This occurs more frequently in the WWUM area than the COHYST area. This issue could be investigated further in future analysis.

<sup>7</sup> Reservoir seepage was not considered as it is assumed this seepage is not a “demand” that must be satisfied in order to convey water in this System. Additionally, this seepage water returns to the System as baseflow/groundwater.

<sup>8</sup> Lake McConaughy is assumed to operate to satisfy the CNPPID demand; therefore, the CNPPID downstream demand was applied to the North Platte Subbasin instead of applying the full Lake McConaughy hydropower demand.



**Undepleted streamflow at Lewellen** = Uncapped streamflow at Lewellen gage + GWDP above Lewellen gage.

**Undepleted streamflow at Roscoe** = [South Platte River at Paxton] + [Reach Gain Loss from Roscoe to North Platte] + [South Platte River GWDP].

Demands for Instream Flows – Instream flow demands are represented in a similar manner to that of hydropower demands. Similar to hydropower demands the daily undepleted streamflow is calculated at the instream flow location and capped at the daily instream flow appropriation value. If the daily undepleted streamflow does not meet the instream flow appropriation, then the daily instream flow demand is capped to the undepleted streamflow. The final adjustment is to subtract the volume of consumption associated with upstream groundwater development in

place at the time the appropriation was granted (i.e., 1993) to create a final volume of instream flow demand.

Demands for Downstream Uses – Downstream demands for the overappropriated basin consist of a portion (based on the proportion of overappropriated basin water supplies relative to the water supplies at downstream locations) of downstream mainstem surface water and net surface water loss demands within the central and lower Platte River Basin plus a portion of the greater of instream flow or induced recharge appropriations located in the central and lower Platte River Basin. Downstream demands within the overappropriated basin vary based on location and the demands located downstream of that subbasin.

Tri-County Non-consumptive & Surface Water Demand Split: The Tri-County Canal serves both surface water and non-consumptive use demands. In some cases, the surface water demands are located upstream the non-consumptive use demands; therefore, it was necessary to consider the surface water and non-consumptive use demands separately for this canal. These demands were broken out as follow:

- **Full Tri-County Demand** = Minimum of [ Canal losses above Brady + Max (surface water demands or CNPPID hydropower demand) OR Undepleted streamflow at Confluence of North Platte & South Platte Rivers]
- **Tri-County Non-consumptive Use Demand** = Full Tri-County Demand – Tri-County SW Demand – Tri-County Canal seepage

## The Balance of Water Supplies and Water Demands

The evaluation methodology seeks to compare the water supplies and water demands for two periods throughout the year. The peak season (June – August) and non-peak season (September – May) are used to assess the balance in water supplies and water uses. These comparisons evaluate the average balance in water supplies and water demands over the most recent twenty-five year period of data (1988-2012) to assess how wet and dry cycles impact the balance in water supplies and water demands.



Meeting Date: 3/15/17



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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# Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #6

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Date: Wednesday, May 17, 2017

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Location: Holiday Inn Express & Suites, North Platte, NE

## Agenda:

- I. Administration
  - a. Today's meeting will offer a working lunch
  - b. This is an Open Meeting
  - c. March Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
  - d. Review of Decision-Making Process
- II. Economics of Water Users
  - a. Review Input from March
  - b. Water Use Vulnerability Discussion
  - c. Refinement of Economic Viability (Goals and Objectives)
- III. Continued Work on Definitions for Additional Elements
  - a. Social and Environmental Health
  - b. Safety
  - c. Welfare
- IV. Next Steps
- V. Public Comment

**Next Meeting: July 19, 2017**

# Upper Platte River Basin-Wide Plan – Second Increment

## SPG Meeting #6 - Meeting Minutes

Date: Wednesday, May 17, 2017 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. **Administration**
  - a. Today's meeting will offer a working lunch
  - b. This is an Open Meeting
  - c. March Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
  - d. Review of Decision-Making Process
- II. **Economics of Water Users**
  - a. Review Input from March
  - b. Water Use Vulnerability Discussion
  - c. Refinement of Economic Viability (Goals and Objectives)
- III. **Continued Work on Definitions for Additional Elements**
  - a. Social and Environmental Health
  - b. Safety
  - c. Welfare
- IV. **Next Steps**
- V. **Public Comment**

### Attendance:

A copy of the attendance sheet is attached at the end of this document.

### Minutes

These minutes follow a PowerPoint presentation that can be found online: <http://upbwp.nebraska.gov/>

**I. Administration – Stephanie White**

- a. Today's meeting will offer a working lunch
- b. This is an Open Meeting
- c. March Meeting Recap
  - i. Meeting minutes
  - ii. Key discussion / decisions
  - iii. Follow-up items
- d. Review of Decision-Making Process – The goal is always consensus
- e. J. Engel reviewed the handout of supply and demand and groundwater use depletion estimates. Clarified that the Supply and Demand Balance is simply a comparison of total supplies and total demands in the basin. Shortages when comparing total supply vs. demand are only partially attributable to groundwater use depletions, as the deficit between basin supply and demand is greater than total estimated groundwater use depletions.

**II. Economics of Water Users – Stephanie White**

- a. Review Input from March – see summary on slides
- b. Water Use Vulnerability Discussion
  - i. Under what water supply condition has water been a limiting factor to your economic productivity?
    - 1. Galen Larson (North Platte NRD; Platte Valley Bank of Scottsbluff)
      - a. \$130 million in agriculture loans/debt (Scottsbluff)
      - b. There are no other true makers of new money outside of agriculture (hospital is only other main employment center)
      - c. Scottsbluff county has had discussion to bring in new employers, but they all need water
      - d. Suggestions: good winter storage and timely rain; timely hail storm (before crops are planted or after crops are mature)
    - 2. Dave Fisher (North Platte NRD; surface water user)
      - a. Representing next generation
      - b. Treat water as a reusable resource
      - c. Recognize we are fully appropriated
      - d. Need storage to maintain river flows; deregulate and let the land be the storage
      - e. People can irrigate when and where they want (and no cost for storage)
      - f. Work with Wyoming and Colorado to save water if we don't need it so it doesn't flow out of the state
      - g. Lake McConaughy is limited for storage.
      - h. Provided handout to SPG regarding need for storage.
    - 3. Bill Halligan (South Platte NRD)

- a. The allocation system has worked well (our economic effect was when we lost the water table and were sucking air from wells)
  - b. Only 8% of irrigated acres are on river, and they have not experienced a draw down in water tables, but we're under allocations just because of government regulations
  - c. Suggestion: Only allocate during dry years; geographic equity of regulations; recharge must last 40 years
  - d. No major recharge event in the bulk of our wells
  - e. The crop rotation is changing for allocation (dry beans and alfalfa when there is no water)
4. Jack Revelle (Groundwater user from Pumpkin Creek)
- a. Allocations have brought changes to farming practices (currently on a 12 inch allocation):
    - i. No till, drip irrigation system to conserve water, less consumptive use crops (peas, dry beans, wheat in spring); retired some irrigated acres with buyout; to compensate and stay viable, found way to cut out or reduce water usage
    - ii. Suggestions: NRDs should use flow meters to see where water usage is and how much. Also, put in measurement devices in the field to know how much water is in the field so it doesn't get watered if it doesn't need it; technology with crop moisture sensors/metering allow better water management.
    - iii. Hwy 71 is seeing high flow and farm has seen a good source of corn stalks by using cattle – cattle has helped with the economics (diversity of revenue)
    - iv. Success on Pumpkin Creek – some flow has returned. Dam on Pumpkin Creek is full for the first time in a long time.
    - v. Western Sugar Cooperative a major user
5. Jay Richeson (Gothenburg Irrigation & Well Service)
- a. Fortunate to have plenty of water
  - b. Economic development is suffering – the City can't have a large company (large water user) come in because of water supply limitations.
  - c. The City does not allocate water and farmers are good about not overusing it
  - d. Suggestion: the City can't recruit any industry unless it has water - fully appropriated designation would provide more flexibility to find water.
6. Bob Dahlgren (Village of Bertrand, Bank of Bertrand)



- a. Should water be for who is in the city now or for new businesses?
  - b. His farm has 36 inches of water because of McConaughy
  - c. Suggestion: They get what we need, but they need storage and it needs to be in the west part of the state so the western stakeholders can have water since they can't get it from McConaughy.
7. Mike Drain (Central Nebraska Public Power and Irrigation District)
- a. CNPPID's primary purpose is to provide water to its irrigators
  - b. For financial reasons, hydro power is a necessity; we maintain a significant system, a large dam, a large canal, and a lot of regulatory requirements
  - c. Prior to 20 years ago, you would have seen 75% of revenue from hydro power sales
  - d. Annual budget covering operations and maintenance is \$10-12 million – in a wet year like the last year, we delivered irrigation water and produced electricity with the water that runs down the river; that allows us to have the money in the years we don't have that water
  - e. Hydro power revenue over last 20 years averages \$9 million – but varies greatly: some years like '97-'99 revenues are around \$12M, but also years like 2003/4/5/6, producing only \$3 million a year. Carryover from wet year revenues is essential.
  - f. If system operated for irrigation deliveries only, hydro power generation would be around \$7M (similar to 2001 operations). Discretionary hydro power generation is critical to close revenue gap.
  - g. Irrigation revenues are fixed – annual per acre cost regardless of water needed or delivered. Charge per acre is around \$36 an acre (covers water and O&M).  
Approximately 80% of acres served are co-mingled (access to surface and ground water)
  - h. 12 inches is what we try to give irrigators; but some dry years we had to reduce the allocation. Reduced delivery means less hydro power generation and less revenue.
  - i. Suggestions: More storage will help; we have to generate our own revenue (no taxing authority)
  - j. We'll prioritize to save the water in McConaughy for the farmers to irrigate over hydro generation in drought years,
  - k. Sell much of our electricity generated to Kansas because they have a renewable portfolio standard and pay a higher

- price for hydro power as part of that portfolio. Currently in a 10 year contract;
- l. Trying to be more efficient; land and irrigation practices, as well as hydro facilities and system management.
8. Dennis Strauch (Surface water irrigator, Pathfinder)
    - a. Live and die by snow pack from Colorado and Wyoming
    - b. Annual need is about 15-18 inches and majority of water comes from federal reservoirs from Wyoming
    - c. 7 of the last 15 years have been water short years and therefore delivered only 8-12 inches.
    - d. 1/3 of the land is co-mingled and are restricted to an allocation; our producers in those water short years changed crop mix, went idle
    - e. No economic impact on the district as long as the producers remain viable
    - f. Operations have changed since 2002 – farmers are consuming more of diversion to less returns; impacts downstream
    - g. Since there is only so much storage, farmers have become more efficient; reduces spills and losses that can be stored so then we can increase the supply overall
    - h. Approximately 70% of land has pivots - operating at 85% of what we used to in terms of diversion
    - i. Suggestion: Basin support in getting Congressional approval/BOR red tape to allow facilities to be used for intentional recharge.
  9. Brian Barels (NPPD)
    - a. Looks at the snow pack west of Ogallala; also monitor the snow pack and reservoir storage in Wyoming; 8-9 months of non-irrigation season key for supply as well as hydro power generation
    - b. Irrigation – 80,000 acres; own operate 3 irrigation canals; provide storage to 3 additional canals. Allocated storage amount every year to supply water to the canals; that is not a total supply – 80% of water from canals is natural; 20% from our storage capabilities
      - i. In early 2000s, ran out of storage for the six canals; negative economic impact to customers (80,000 acres)
    - c. Hydro Power – Major facility is in North Platte and smaller facility in Kearney – can take water from the South and North Platte Rivers to feed hydro system
    - d. Cooling of power plant at Gentleman Station – Use McConaughy and Sutherland Reservoir

- i. Use stored water to cool it before going to Sutherland Reservoir for water
  - ii. If there is a shortage, there are agreements with irrigators near Sutherland to pay irrigators to not use water so the power plant can be cooled via water pumped from adjacent wells
  - iii. Power from hydro is about 50% of energy generation (includes Kingsley hydro generation)
- 10. Tyrell Anderson (Lewellen Ranch, Turner Corporation)
  - a. 84K acres, produce hay/alfalfa for 4000 head of bison, 5 year allocation since 2009 and so far it's been okay
  - b. If allocation was restricted farther it would be detrimental
  - c. Suggestion: Be more inclusive and less in a silo; focus on conservation – be good stewards of the resources
- 11. Keith Koupal (Nebraska Game and Parks)
  - a. People need to want to live here and be able to afford to live here.
  - b. Recreational and ecological: Recreation largely reservoir based - if water is low in McConaughy, there aren't as many visitors and they don't spend money in the state; if fishing and hunting is hot then we'll see more revenue; people want to live by water so that might drive growth in population and loans, building, buying, etc. ; ecological balance has a reliance on water
  - c. Natural hydrograph is important to fish and wildlife
- 12. Bernie Fehringer (Power District in western Nebraska and groundwater irrigator)
  - a. Allocation is 13 inches; on rainy years, the water could be rolled over
  - b. For a 125 acre pivot, 600 gpm and 51 days of pumping and they can't use all of 13-in allocation
  - c. The allocation has not affected the farm and hasn't reduced irrigation sales much; largely because farmers have changed cropping patterns due to limited amount of water
  - d. Success: planted hundreds of trees to bring in hunters to supplement revenue from dry crop years
  - e. Allocation started in 2009 (currently third allocation period); if they have a dry year, there won't be much impact due to adaptation of producers.
- 13. Kevin Derry (South Platte NRD)
  - a. 13 inch allocation has required short season cropping - went from 108 to 103 day corn because of water restrictions, so yield has gone down

- b. Cost of hail insurance limits the amount and types of crops
  - c. Rotation is expensive if you have a crop that can't withstand the hail and can't be insured
14. Chris Holly (North Platte Water Department)
- a. Plenty of water and a license to pump 4 billion gallons a year; on a dry year, up to 3 billion is used, but normally around 2.5 billion
  - b. In the business of selling water – only pump what is sold
  - c. No quality issues
  - d. Dispersed wells – not a concentrated well field. The problem is finding land to place a new well; there is no variability in water quality during droughts
  - e. Some wells are about 100 feet, but most are 300+ feet
  - f. Question: If there is a license to pump 4 billion gallons but now only pumping 2 billion, will the license amount change? And then what happens to that additional 2 billion gallons of water?
15. Dennis Burnside (City of Lexington)
- a. Attractive to new industries; new and existing industries rely on water; if that's reduced then it would effect a lot of other areas of life quality
  - b. Aren't experiencing limitations since it is a municipality
16. Bob Busch (surface water user)
- a. In 2002, the snow melt all went into the ground and there was no runoff water; and there was a tight limit in terms of allocation. Regarding the weather forecasts: when you see it you believe it
  - b. New storage is challenging – Deer Creek failed; people looking at Glendo storage but likely won't happen.
  - c. Endangered Species Act requires water – balance of human and environmental needs, feel we have done our share
17. Jim Benfeldt (Central Platte NRD; retired farmer and cattle feeder)
- a. Plentiful supply of water in the 45 years of production
  - b. Never been short of water or have had to experience what the upstream farmers had to deal with
  - c. Technology has been key: flood irrigation to center pivots, drip, water management, automated water management
  - d. There will be a conservation/sustainability impact
  - e. Son uses technology for water management because of college education – pivots is a labor saving and advent of better pump systems and water consumption measurement technology – right thing to do, but economics also play a role.

18. Rod Horn (South Platte NRD)
  - a. SPNRD Irrigates 1.5% of acres in state
  - b. 96% of water consumption in district is ag
  - c. In early 2000s, first district to look at moratorium at Lodgepole Creek
  - d. Referenced 2010 UNL study (Compton) on economic impact of allocations in their district; found modest impacts
19. Barb Cross (North Platte NRD)
  - a. From 2008-2016, District spent \$5.6 million (doesn't include cost share portion) on groundwater management activities and worked 87,000 hours at a labor cost of \$2.4 million
  - b. Initial focus was to retire irrigated acres – it costs a lot (LB962) to meet obligations; shift now to efficiency improvements
  - c. Suggestion: Educate on water efficiencies; if there is no money to spend on new technology, only option is to reduce allocation; but a 6-inch allocation will get rid of a ton of crops and it effects every piece of the economy; concentrate on efficiency to reduce consumptive use;
20. Leo Hoehn (North Platte NRD, Pumpkin Creek GW user)
  - a. Most years, short of water but son is a big supporter of technology
  - b. In 1989, the ranch had 1,700 acres of water rights from Pumpkin Creek – today creek is dry
  - c. Surrendered 1,000 acres of irrigated land
  - d. Revenue stream is different now from 20 years ago
  - e. NRD programs are valuable and try to take advantage of them
  - f. Education programs are important
  - g. Purchased in 1989, creek was dry by 1994. Last two years flows again in creek.
21. Rodney Schaneman (Surface water user)
  - a. In 2002, irrigation was shut off at the farm
  - b. Water is very important and you can't pump wherever you want; why are some over appropriated when the rest of the state downstream can pump however they want
  - c. Geographic equity – be fair across the entire basin
22. Carson Sisk (City of Kimball)
  - a. Haven't experienced shortage of water; no restrictions but can if need to
  - b. Produce and distribute water to about 2,500 users, down from peak population of 7,000

- c. If groundwater levels got low enough and wells start sucking air then there can be some economic issues
  - d. Current inventory: Three wells a mile apart and all come into town on same pipeline
  - e. One big economic concern: decrease in population (7,000 to 2,500); it's the same amount for O&M, but fewer people paying bills so it's harder to maintain – and what about if there needs to be infrastructure improvements (no reserves for upgrades)
23. Joe Wahlgren (Twin Platte NRD and producer)
- a. Never been short of water – 50 ground wells and they are mixed with a series of supply canals that provide recharge and static water levels
  - b. Have had to make changes to become more efficient – 50% of producers in area have left because they never invested in items that were attractive to the next generation
  - c. Don't do things the same old way; give parameters and they'll change to what can be managed
  - d. Suggestion: Farmers need to change (technology, efficiency, management, rules, legislation) for betterment of the next generation
24. Kent Miller (Twin Platte NRD)
- a. LB962 passed and moratorium set in – the main direction of District was based on economics – protect what we have today
  - b. Stakeholders have said to maintain what they have and recognize that legislation enforcement is expensive for the agency and expensive to the irrigator
  - c. Board's focus has been to find offset water to maintain the acres today – it is not cheap for NRD, but isn't as expensive for irrigators
  - d. To get offset water, the NRD increase property tax (highest in state) and occupation tax (only NRD to have one in state – chosen over regulation) but it's working
  - e. No requirement on meters, but most of the Twin Platte NRD sits on sandy soil; run off goes back into the land – irrigators rarely pump more than they need and if so it isn't a big deal because of connection with aquifer
25. Pat Heath (City of Gering)
- a. Economic development – we'll take whatever we can get
  - b. No supply issues and have never been short
  - c. Have a transfer permit to protect surface water users
  - d. \$9.5 million spent for arsenic and uranium regulations; \$4.5 million for waste water treatment plant

- e. Reuse wastewater – cost for some areas were not too good; took a beating from public on use of waste water
  - f. \$1.5 million for O&M of water system; proactive on water conservation – always promote wise water use (someone else can benefit from water that we aren't wasting/using because we are conserving) – never had mandatory no-water ordinances, but encouraged it on a voluntary basis
26. Russell Edeal (Loomis)
- a. Irrigator, dad in SCS, Grandpa SCS board
  - b. Win-win mentality observed is a shift for planning group from 1<sup>st</sup> increment
27. Larry Reynolds – nothing to add
28. John Thorburn (Tri Basin NRD)
- a. Minimize regulations but take an approach that enables the current irrigation economy to thrive
  - b. Diversion of high flows to offset impacts to surface water, needed to recharge groundwater aquifer
  - c. Suggestion: work with and educate farmers on efficiencies and making progress towards that, but it's long term (multi-generational)
29. Lyndon Vogt
- a. Regulatory expense and cost of ongoing regulation versus a more voluntary management program
  - b. Producers and NRDs have changed due to shortages
  - c. Make a change – put water back to the river without negatively impacting producers – no one below McConaughy is having water issues (only west) – so what management system can change to solve that?
30. Vernon Nelson (Tri Basin NRD, Ground and Surface Water User)
- a. No water problem since the farmers left gravity irrigation; water supply never a problem in his area largely due to technology advances
  - b. Suggestions: A lot of feed lots and nitrates in water – grow corn using nitrogen (soil probes, timing, nutrients at the top of soil, limit pivots) – technology has been great – pivot on every farm and a swing arm (laying pipe in corner lots is a waste) – son and three grandkids working for him – it's about the next generation!
31. Jennifer Schellpeper (State of Nebraska Natural Resources Department)
- a. Goal is to help water users feel less vulnerable about water use
  - b. NeDNR has to follow the law and has to make sure everyone else is, too

- c. Themes from today: water supply variation across basin
- d. NeDNR cost share with NRDs (50/50 or 60/40 split usually), balance to follow law and see where dollars are being spent

32. Roric Paulman (Producer)

- a. Technology and collaboration is key – what technologies and processes exist to be more efficient, use less water, store for dry years
- b. In 1986, it cost \$80K for property and occupancy tax and now \$700K
- c. We've established the value of water – we are all in this pretty deep;
- d. Suggestion: TAPS (testing agriculture performance systems) through UNL – how can they take concepts and ([taps.unl.edu](http://taps.unl.edu)) implement them; a simulated farm making all of the decisions and it's about ROI and about nutrient and water management (not about yield)

- c. Refinement of Economic Viability (Goals and Objectives) (will discuss at next meeting)

**III. Continued Work on Definitions for Additional Elements (will discuss at future meetings)**

- a. Social and Environmental Health
- b. Safety
- c. Welfare

**IV. Next Steps**

- a. Next meeting: July 19, 2017

**V. Public Comment**

- a. No public comments



Meeting Date: 5/17/17



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Meeting Date: 5/17/17



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## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #7

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Date: Wednesday, July 19, 2017 from 10:30 a.m. to 2:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. May Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
- II. Review NRD/DNR responsibilities for Municipal and Industrial Users
- III. Basin Values (from May Discussion)
- IV. Potential New Goals Discussion
- V. Potential New Objectives for Goal 3 Discussion
- VI. Continued Work on Definitions for Additional Elements
  1. Social and Environmental Health
  2. Safety
  3. Welfare
- VII. Next Steps
- VIII. Public Comment

**Next Meeting: September 20, 2017**

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #7

Date: Wednesday, July 19, 2017 from 10:30 a.m. to 2:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

## Agenda:

- I. Administration (Stephanie White)
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
    - The goal is always consensus
  4. May Meeting Recap
    - Covered thoroughly in Basin Value discussion (III)
  
- II. Review NRD/NeDNR responsibilities for Municipal and Industrial Users (Jennifer Schellpeper)
  1. Nebraska Revised Statute 46-740 – Describes options and authorities related to municipal & commercial/industrial water uses
    - Through December 31, 2025, municipalities and industries are exempted from water allocation limitations
      - In order to qualify for the exemption through 2025, a conservation plan could be required by an NRD's IMP
      - Right now the only NRD that has that in effect is the SPNRD
    - Exemption does not apply to increases in industrial consumptive uses that are greater than 25 million gallons/year
      - Offsets for these uses may be the responsibility of the industry
    - Statute based on reductions in consumptive use associated with municipal growth
      - Any consumptive use reduction associated with municipal growth shall accrue to the net benefit to the NRD
      - Any reduction in consumptive use of water associated with new non-municipal industrial or commercial uses of <25 million gallons accrues to the benefit of the NRD
      - IMP controls protect existing users (not injured by any new uses)
      - IMP controls shall ensure compliance with state & federal laws

- PRRIP – mitigation for new or expanded uses after July 1, 1997
- In 2026 – when exemption ends for allocation, then allocations can be re-set for municipalities
- Stakeholder question: “Have you (NRD) tracked any new uses, referring to the newer expanded uses since ‘97”
  - NRDs monitors new uses (municipal, industrial, agricultural) through meters or other methods and reports that information as required in the annual IMP/basin reports.
- Noted that M&I usage in the basin is a small part of the number for overall use.
- Moratoriums on new uses were implemented at different times in basin NRDs (some moratoriums related to aquifer declines and well interference unrelated to surface water depletive effects) so there are additional agricultural uses post-1997 that occurred prior to moratoriums and regulation. Each NRD is responsible for mitigating the post-1997 uses within its boundaries

### III. Basin Values (from May Discussion)

- Several common themes kept coming up
  - Generational stewardship
  - Maintaining the good life
  - There is a space for all; willingness and interest in working together, a shared burden
  - Looking beyond our own fences
  - Municipality contributions – others can make good use of water we save
  - Long culture of adapting & changing with the times
  - “Putting water back to the river without causing economic harm”
  - “We are making a difference! Restored flow to Pumpkin Creek”
- Have we missed any big themes or guiding principles that we should use to help us stay true to our goal?
  - Stakeholder comment – storage is critical piece.
  - Noted that storage is included in that matrix of issues to be addressed in 2<sup>nd</sup> increment – but may not be appropriate in the bigger picture mission statement.

### IV. Potential New Goals Discussion

- To reflect the themes from the May meeting, some possible new goals have been drafted to review
  - Revised goals and objectives
1. Potential new goal #1 – *Partner with municipalities and industries to maximize conservation and water use efficiency*

- *Establish community education programs; track effectiveness annually*
- *Establish standardized economic development policies regarding new water-intensive business*
- Feedback on first potential new goal
  - Typical municipal rate structure noted – potential disincentive for conservation.
  - Industrial component noted.
  - Suggestion to eliminate two bullets and keep the outline of 46-470 from state statutes
  - Differences in approaches taken to conservation and efficiency noted and suggestion that not all water is treated equally or used equally throughout the basin. Locally determined by NRDs and users within its boundaries
  - Ties into the value of stewardship

**Consensus on potential new goal – group agreed to move the goal forward in further consideration of plan and bring elements of 46-470 forward as objectives**

2. Potential new goal #2 – *Work to maintain the economic viability of users within the basin*
  - *Increase sustainability under cyclical supply conditions*
    - *Identify storage opportunities*
    - *Conjunctive management*
    - *Continue to encourage diversity in revenue streams (hunting, cattle, alternative crops, hydro, etc.)*
  - *Pursue regulatory modifications (local, state, Federal)*
  - *Identify strategies to establish geographic equity for water users above and below Lake McConaughy*
  - *Continued support of advancing technological practices; efficiency of use*
- Feedback on second potential new goal
  - Platte River System has seen many changes, these list items (objectives) should reflect that.
  - Efficiency has direct effects on return flows that need to be understood.
  - Discussion on efficiencies and return flows:
    - Need to understand the roles of return flows as water supplies, effects of efficiency on returns, and develop plans as appropriate. Suggestion to add as its own objective under this goal
    - System above McConaughy is at risk as it depends on return flows – impacts everything downstream.
    - Focus on using water as a reusable resource (returns to be used as downstream supplies, for example), rather than shipping away. Use it in multiple ways”
  - Broaden reference to revenue stream diversity to include hunting, fishing, etc as they are industries getting a more diversified revenue across the state



- NRDs are in different places as far as planning and management and the geographic differences across basins make mandating equality difficult.
- Some differences are solely based on geographical (and hydrological) circumstances.
- Recommendation to eliminate reference to geographical differences (eliminate reference to “above and below Lake McConaughy”)
- Stakeholder comment that if western NRDs are under allocation and send water downstream (negatively impacting the economy) and similar management actions are not taken downstream it doesn’t seem fair.
- Discussion and concerns that if storage is overemphasized increase sustainability under cyclical conditions, we need to recognize limitations:
  - Prospect of building new large surface water storage is unlikely due to prior appropriations and environmental issues.
  - Comment that drought and flood conditions need to be considered in a comprehensive manner. Storage could be dry half the time – may not be politically acceptable, but need the extra storage to capture excess flows
  - Storage will require excess flows and it is hard to depend on the availability of excess flows. We need to take advantage of opportunities to use/direct excess flow when it is available. Excess flow is not available every year, but we should be putting it into storage when it is available so that we have access to it in dry years.
  - The impact of surface water irrigation efficiencies on return flows needs to be considered in our discussions about storage. Efficiencies in surface water systems limit supplies that downstream users have come to rely upon. How might we mitigate the impact of efficiencies on return flows?
  - Existing storage could be improved by restoring lost storage to siltation in addition to new surface water storage.
- Stakeholder Comment that the word *geographic* in the objective is in the wrong place – relates to creating water efficiency under differing geographic conditions. The nature of water cannot be changed
- Recommendation to delete ‘geographic equity’
- Recommendation to incorporate tracking equity, so amend the objective but don’t remove entirely
  - Discussion of timing of moratoriums placed within the basin and that those that allowed development should have to offset more. It was noted that is consistent with practice – each NRD is responsible for mitigating post-1997 uses that occurred within its boundaries.
- Recommendation to changing ‘establish’ to improve’
- SPG request to add “Develop strategies for drought” to the second increment plan

- SPG agreed to replace ‘pursue’ with ‘identify’, so that it reads *identify regulatory modifications*
- The Plan should identify opportunities and provide direction on what conditions are necessary in order to take advantage of excess flows for groundwater recharge.
- Noted that Representative Smith has requested irrigation infrastructure funding added to President’s plan – could include working with other states as well.
- Comment that drought and flood conditions need to be considered in a comprehensive manner. Storage could be dry half the time – may not be politically acceptable, but need the extra storage to capture excess flows
- S. White asked how they’d feel if we replaced ‘equity’ with ‘fairness’
  - Comment that fairness & geographic equity are two different things.
  - Stakeholder comment that Equity and/or fairness can never be 100% possible but important to acknowledge and mitigate it
- Based on possible edits to Goals & Objectives – used the red/yellow/green card activity to gauge acceptance of additions/revisions to goals and objectives
  - Based on the edits (Stephanie’s in-meeting edits to Goals & Objectives)
  - Majority held up yellow – not quite happy with suggested solutions
  - *Majority were stuck on the second to last bullet (Identify strategies to establish geographic equity for water users above and below Lake McConaughy)*
- Discussion on *Pursue regulatory modifications*:
  - Delete the parenthetical reference in *Pursue regulatory modifications (local, state, Federal)*
  - Intentional recharge project purpose is restricted on BOR canals as an example.
  - Limits on leasing surface water exist – benefits to all in being able to extend those leases as another example.
  - Stakeholder comment regarding deregulation/suspension of regulation during wet years could be beneficial.
  - Noted that having this as an objective strengthens the argument in discussions with public policy makers.

**SPG consensus on potential new goal & respective objectives – group agreed that it could move forward once:**

- **Third objective regarding geographic equity was removed**
- **“Pursue” in second objective changed to “identify”**

#### V. Potential New Objectives for Goal 3 Discussion

- *Increased, standardized and regular reporting / education on business health*
  - *Impact of community conservation education programs*
  - *Establish standard indices of economic health for distinct user groups (including cost of regulations to irrigators)*
- *Broader public inclusion in process and information dissemination*

- Comment in support of intent, but concern that establishment of standard indices linking water availability to economic health may be impossible.
- Many factors beyond water impact farm economy.
- Noted that if economic viability is one of the plan goals or related to the second increment offset targets, plan will need to include some metric to answer the question “How are we doing?” when monitoring and reporting during implementation.

**SPG consensus - agreed not to add the two new objectives to Goal 3 as currently proposed.**

- VI. Discussion of SPG role in providing input on goals/objectives/action items – is there a limit on level of detail?
- Noted that currently the SPG has discussed and provided input on all 3.
  - This group’s discussions and identification of possible projects/management actions is helpful to NRDs and the input is useful in identifying activities, to include in the basin-wide plan, as well as for each individual NRDs to consider when updating their individual plans and implementation.
  - S. White asked the NRD managers/staff if current level of detail from SPG was enough for purposes of the basin-wide plan?
    - Consensus was yes, that it was.
- VII. Continued Work on Definitions for Additional Elements
- Handouts were passed out to SPG to assess the following three foundations in regards to the Upper Platte River Basin, the maintenance of each in the basin, and how they’re vulnerable to water shortage
    1. Social and Environmental Health
    2. Safety
    3. Welfare
- VIII. Next Steps
- NeDNR will post 46-715 Statute to the UPBWB website
  - HDR will post a summary of the survey responses and discuss more at meeting in September
  - HDR will bring a poster and stickers of value statements
- Next Meeting: September 20, 2017***
- IX. Public Comment - *None*

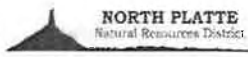
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Meeting Date: 7/19/17



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## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #8

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Date: Wednesday, September 20, 2017 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. July Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
  
- II. Path Forward Discussion
  1. Roadmap for Today and next 3 meetings
  2. Statute 46-715 interpretation, discussion, and how it relates to our planning process
  
- III. Continued Work on Definitions for Additional Elements
  1. Social and Environmental Health
  2. Safety
  3. Welfare
  
- IV. Next Steps
  
- V. Public Comment

**Next Meeting: November 15, 2017**



# Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #8

Date: Wednesday, September 20, 2017 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

**NOTE: A complete set of slides and handouts can be found online at: [upbwp.nebraska.gov](http://upbwp.nebraska.gov)**

## **I. Administration (Stephanie White)**

1. Today's meeting will offer a working lunch
2. This is an Open Meeting
3. Review of Decision-Making Process
  - This group is here to give guidance and thoughtful stewardship to the plan
4. July Meeting Recap
  - Explore existing economic indicators (Jennifer Schellpeper)
    - At the this point, economists and the department haven't found an already existing economic package
      - There have been past studies and reports – NeDNR will start to compile that data together and continue research to determine good economic indicators related to water supplies and water uses
    - Once NeDNR has determined potential economic indicators, they will bring back to SPG
  - July Discussion Summary (John Engel)

## **II. Path Forward Discussion (Stephanie White)**

1. Roadmap for Today and next 3 meetings
  - Today's focus will be on defining social and environmental health, safety and welfare of the river basin
  - November
    - Redefining possible new Goals & Objectives based on today's discussion
    - Identify 2<sup>nd</sup> Increment Intent – discuss target
  - January
    - Review & discuss Annotated 1<sup>st</sup> Increment and identify additional missing elements
    - Set the roadmap for March, May, & July of 2018
2. Statute 46-715 interpretation, discussion, and how it relates to our planning process:

*Nebraska Revised Statute 46-715 (2) In developing an integrated management plan, the effects of existing and potential new water uses on existing surface water appropriators and ground water users shall be considered. An integrated management plan shall include the following:*

*a) Clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term*

- Interpretation (Jennifer Schellpeper & Jesse Bradley)
  - Since LB 962 was passed in 2004, there have been many different interpretations
  - How NeDNR interprets:
    - *Supply and Use* will always be in balance (cannot use more water than is available)
    - The economic viability, social and environmental health, safety, and welfare of the basin will help determine how we want to achieve that balance; from using all of the supply to using none of the supply
    - NeDNR doesn't have that answer – seeking input from the stakeholders
    - This conversation also helps link the Goals & Objectives in the plan to the surface water & ground water controls in the individual NRD IMPs
    - Statute states that controls are chosen based on consistency with the Goals & Objectives in the plan
    - Spectrum between using none of the water in the system and using all was presented – economic implications exist on either end
    - The SPG has already discussed economic viability – today we will look at the rest of the statute which includes social and environmental health, safety, and welfare
  - Interpretation of FA (fully appropriated) / OA (overappropriated) distinctions:
    - For both OA and FA basins, IMPs require some similar standards – protecting existing users; a process for new development; and requirements for at least one ground water control and one surface water control
    - With an FA basin, you can be done at that point, although we (NRDs and NeDNR) have typically taken it further
    - But in an OA basin, we will need to address post-1997 use depletions; identify where we are in relation to FA / OA; develop Goals & Objectives that NeDNR & individual NRDs

- incorporate into IMPs; and continue plans in subsequent increments until reaching FA status.
  - As we move forward to the Second Increment can address these Goals & Objectives through:
      - Projects / Incentives
      - Regulation
        - (Important to understand that next increment doesn't exclusively mean regulation will apply to ground water users. First increment primarily focused on GW because very few post-1997 new SW uses.)
    - Costs are likely to continue increasing – ongoing operational & maintenance costs, willing seller / willing buyer platforms, competition for water, etc.
  - Big picture – Process will include stakeholder's input in a finalized Goals & Objectives which will go to individual NRDs to include in IMPs
- Related to our planning process (Stephanie White)
  - Results of March 2017 SPG survey on Second Increment Plan
    - Overall Intent – majority (18/27) agreed that the overall intent of the second increment is to maintain what has already been done and make more progress toward fully appropriated conditions
    - Reasonable target for additional progress during the second increment – 14/25 said that no additional progress needs to be made, while 11/25 said the target should be anywhere from 10,000 – 150,000
  - The big question for the November 2017 meeting is: what is our target goal?
- Discussion
  - Stakeholders discussed the need for a definition of the amount of supply
    - Determining a definition for how much we want to use is part of this process
  - Stakeholders discussed the need of a definition between Overappropriated and Fully
  - SPG conversed about the 1997 depletions and the projected increasing total depletion in the future
    - IMPs have established projects through 2019 to minimize depletion growth and offset post-1997 use depletions
    - Group reviewed 'Growth in Depletions' handout
    - Although water supplies might be abundant at times, because of continued use, the basin is still facing depletions
      - Darcy's Law & Law of Conservation of Mass

- Stream flow might be increasing but is not increasing as much as it would have had there been no pumping at all
  - There is a difference between depletion and an observed reduction in stream flow (can have ground water depletions but see no difference in the gage, in fact you can have increasing flows and ground water elevations and still have depletions because the flow/GW elevations would have been greater had ground water not been pumped.)
  - The robust review that is being completed as part of the first increment will show the benefits of first increment activities.
  - Although an obligation to resetting pre-'97 depletions is not specifically called out in the statute, the group discussed this possibility and determined that a later conversation in regards to resetting the pre-'97 depletions may be necessary.
  - Models incorporate baseline conditions – changes in consumptive use are reflected in the model
  - The models have a variability of land uses represented in order to accurately capture the fluctuations in use for varying types of land / grasses / etc.
  - Changes in climate are captured, assuming that crop is intended to be fully irrigated, more pumping during dryer periods to provide full supply to crop.
  - Concerns and comments over views of consumptive use vs. reusable use
    - Based on geographic perspective and hydrogeologic conditions in each area
  - Where is this balance? What is enough and what is sustainable?
- Stakeholders recognize that the level of success achieved in the first increment might be much more expensive to achieve in the second
  - What do we want to spend and what kind of regulations might we want to put into place?
  - Stakeholders pointed out that they would like to see first increment activities in terms of costs and benefits
    - ACTION ITEM: Team will work to compile this data and bring back to stakeholder group
- Stakeholders discussed the need to be mindful of economic impacts on communities and producers
  - Changes in land valuations and tax increases may result with impacts to producers and also surrounding communities.
  - Challenge in consideration of incentive programs of the economic burden it places on producers and land owners

when valuations (and taxes) are increased, but production does not or is reduced.

- Regulations may help to make a difference without placing as heavy of a tax burden on land owners – however production may be impacted.
- 90% of NRD funding in first increment came from district occupation and property taxes
- Producers don't have the resources to overspend
  - Some agreement from group that residents in the cities should be taxed in order to spread out costs and ease the burden on producers
- Stakeholders focused on drought
  - Reminded the group of harm experienced by irrigators between 2000 – 2007
  - Warning that the SPG needs to recognize this and remember throughout this planning process
  - Storage may be a solution that could work for everyone
- Stakeholder comment that the western NRDs keeps very good records of their water use and that it would be helpful for the rest of the state to follow suit
- Stakeholders recognized credit for some drought mitigation steps that have been taken already
- Stakeholder comment that maybe next increment will not focus on average offset of depletions, but on making system more resilient during drought periods.
- Spectrum of projects we invest in that can be directed at droughts – focused incrementally, there is a range of things that can be done that can make a difference
- Stakeholder comment that future SPG meetings should focus on conjunctive management as a solution to many of these challenges – changes in current system operations may address many of the basin issues and shortages.

### III. Continued Work on Definitions for Additional Elements

#### 1. Social and Environmental Health

- *When is the social & environmental health of the basin vulnerable?*
  - *There is not enough flow necessary to:*
    - *Maintain water quality for human consumption and ecosystem health*
    - *Serve agricultural, municipal, and industrial needs*
    - *Provide recreational opportunities*
    - *Maintain water quality*
- SPG feedback:

- Agreed that nothing was missing from this definition
  - Combine the two bullet points that say: *“Serve agricultural, municipal, and industrial needs”* & *“Provide recreational opportunities”*
  - Can remove the last bullet reiterating water quality
2. Safety
- *When is the safety of the basin vulnerable?*
    - *When there is not enough flow necessary:*
      - *For fire suppression*
      - *To maintain water quality that supports public health*
  - Stakeholder feedback:
    - Add flood control
    - Broaden safety to include environmental, economic, etc. in addition to physical
      - As it relates to personal and property, economic and environmental safety captured in those definitions
    - Safety, as it relates to power, is important to include - *defined by “protecting critical infrastructure / using infrastructure to mitigate for floods”*
      - Example using canals to relieve during times of flooding
      - Dam safety from a shortage standpoint
    - Incorporate a component of food security
3. Welfare
- *When is the welfare of the basin vulnerable?*
    - *When water shortage causes a decline in Ag production such that the basin cannot maintain its population*
  - Stakeholder feedback:
    - Importance of maintaining agricultural base in this state’s economy
    - Identify that there is more than one sector of economic viability, shouldn’t be exclusive to agriculture
      - Agricultural trends of large farms has actually decreased population in many ways, it is important to keep this in mind – maintaining population may not be good signal of welfare of basin.
    - This definition is directly tied to the economic viability of the basin
    - Possibly remove ‘ag production’ altogether
    - Possibly replace “its population” with “quality of life”
      - However, a metric is necessary for measuring this – the reason for population
      - Quality of Life cannot be measured

- Decrease in population does not necessarily come from water shortages
- Much of the welfare items are captured from previous discussion of economic viability.

#### IV. Next Steps

- SPG identified priorities to discuss at future meetings:
  - Drought
  - Conjunctive Management
  - Storage
  - Economic data and scenario planning/costs
    - Dollars spent by district
    - Dollars required to continue by district
    - Cost of regulation in terms of cost of production and benefits
    - Do nothing alternative
    - Economic return per acre foot
    - ACTION ITEM: Team to compile this data and bring back to stakeholder group
- Team will look into cost-benefit research done by Thompson at UNL.
  - ACTION ITEM: Team to compile this data and bring back to stakeholder group

#### V. Public Comment

- Member of the public stated that it was an excellent conversation, and asked that one aspect to be explicitly incorporated is the river in regards to who gets shorted. He said that in response to 'maintain water quality for human consumption and ecosystem health,' it would be good to consider adding that quantity is also important to include with quality. He also asked that environmental and ecosystem needs are explicitly addressed in the goal: 'serve agricultural, municipal, and industrial needs.'

**Next Meeting: November 15, 2017**

\*Note that the January meeting will be held in the Best Western.

Meeting Date: \_\_\_\_\_



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #9

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Date: Wednesday, January 17, 2018 from 10:30 a.m. to 3:00 p.m.

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Location: Best Western Plus, 3201 S. Jeffers St., North Platte, NE

### Agenda:

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. September Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
    - iv. Glossary of Terms
    - v. Annotated First Increment
- II. First Increment Activities Cost & Benefits
  1. Costs Incurred for 1<sup>st</sup> Increment Activities
  2. Cost of Regulation in terms of Production
  3. Do-Nothing Alternative
  4. Economic Return Per Acre Foot
- III. Second Increment Intent
- IV. Next Steps
- V. Public Comment

**Next Meeting: March 21, 2017 at the Holiday Inn Express**

# Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #9

Date: Wednesday, January 17, 2018 from 10:30 a.m. to 3:00 p.m.

Location: Best Western Plus, 3201 S. Jeffers St., North Platte, NE

## I. Administration

### 1. Today's meeting will offer a working lunch

### 2. This is an Open Meeting

- Dave Fisher (Scotts Bluff) presented to group about an IMP proposal to end “offsets”, deregulate, and add storage
- If any SPG members had further questions, Dave encouraged them to contact him
- Stephanie pointed out that conjunctive management will be a topic of conversation in the next meeting

### 3. Review of Decision-Making Process – role of primary vs. delegate

### 4. September Meeting Recap

- Meeting minutes
  - Key discussion / decisions
  - Follow-up items
  - Glossary of Terms
  - Annotated First Increment
- Progress made towards a full document through the assistance of the SPG can be seen in track changes of the document

### 5. Roadmap through spring 2018

### 6. Lodgepole Creek (Rod Horn – South Platte NRD)

- Proposal: treat Lodgepole Creek subbasin differently from the rest of the Platte River Basin Overappropriated area
- SPNRD and NeDNR have begun conversations to assess this possibility and would like stakeholder input
- Lodgepole Creek is a tributary of the South Platte River – flows east from Laramie into SPNRD – then meets South Platte River east of Ovid, NE
  - Has historically always been an intermediate creek
  - Gains through groundwater
- Accounts for about 3 – 4% of overappropriated area in the basin and about 72% of overappropriated area in the South Platte NRD
- 2002 – SPNRD moved towards a moratorium of Lodgepole Creek
- Complex area

- Lodgepole Creek flows southeast through NRD and meets South Platte River
- Hydrologic connectivity (surface water and groundwater) is not significant to the flows that would impact the wildlife target flows or the instream flows downstream
- Don't think the connection is significant enough that it's contributing to Platte River flows in Nebraska – flows are unprotected in Colorado and the state of Colorado likely picks up any significant amount of flows contributed by Lodgepole Creek.
- Feedback on this proposal:
  - Stakeholders discussed whether snowmelt contributes to the NE system on Lodgepole Creek – doesn't generally cross state lines
  - Stakeholders asked for clarification on how this proposal will work and what changes SPNRD will want to see
    - NeDNR explained that the first step is recognition of the hydrologic disconnection, that it is not having a downstream impact to NE users, and getting input from stakeholders
  - Stakeholders discussed diversions in Colorado – that they have irrigation season diversions in addition to efforts to capture during non-irrigation seasons
  - Rod reiterated for the group that SPNRD has met their Post '97 obligations on Lodgepole Creek substantially (using monitoring, flow meter system, retirements, etc.)
  - Stakeholders agreed that Lodgepole Creek is unique because of its interaction with Colorado, and the possibility of different treatment is reasonable
    - Generally they support different treatment but do not know enough about the proposal for a different treatment.
    - Some concern about setting a precedent of carving special sections from the plan area.
  - Western Canal and Lodgepole Creek are both dealt with in South Platte Compact – incorporated in Colorado's administrative system
  - Stakeholders not asked to agree on the exact treatment at this meeting, but NeDNR and SPNRD wanted their initial thoughts and will bring back more specifics for conversation in March meeting
    - NeDNR/SPNRD ACTION item

## **II. Draft Post '97 Analysis (slides 15 - 61 in Power Point presented)**

- Looking at some preliminary results of our robust review – assessing First Increment targets that were laid out in Basin-wide plan and IMPs
- NeDNR has been speaking with NRD managers and each individual board about the numbers that will be presented
- This data is determined with the COHYST model and WWUMM
  - Many limitations present in the COHYST model in First Increment have been addressed
- Numbers do not reflect the management actions that have taken place in First Increment (with the exception of groundwater-irrigated acreage retirements).

- In NPNRD and SPNRD, data reflect the impact of allocations.
- Many changes have been largely driven by land use change
  - The focus of this data is groundwater irrigated acre land use change
- Models / Set-up used
  - Western Water Use Management Model (WWUMM) has been updated annually for the last several years
    - Land use data sets updated
    - Model starts in 1953 and projects through 2063 (\*based on 2013 land use)
    - Climate used for model scenario is a repeat of 1989 – 2013 (representative of wet and dry cycles)
    - Surface water and commingled acres were the same in the baseline and change runs, which canceled out any effects that changes in surface water or commingled acres would have had on streamflow since 1997
    - 1950 – 2063
    - Uses same climate period as WWUMM
    - Isolate changes in groundwater only irrigated acres
    - Based on 2010 land use data
- Model areas
  - Map can be found on slide 19
  - Data will be district-wide changes (acres, pumping changes, etc.) for each NRD in addition to changes in just overappropriated area
- Results for each district – change in acreage and crop typing change, net in acres translates to pumping change, and the overall effect on the river

#### **1. North Platte NRD**

- Data can be found slides 23 – 30
- Total depletions NPNRD – slide 54
  - Address efficiency to a degree in models
  - Producers are adapting – irrigating less acres/different crops and NRD working with producers on incentives and to buy back more acres
  - Acre reductions captured in land use changes
- Benefits estimated from the allocation analysis are based on the assumption that producers will pump full allocation. Metered data is showing a further reduction in pumping than predicted by the allocation analysis.

#### **2. South Platte NRD**

- Data can be found slides 31 – 36
- Total depletions SPNRD – slide 55
- Looking at 3 areas – Lodgepole Creek, North Platte River, and South Platte River.
- Allocations are set at different amounts in different SPNRD subareas.

#### **3. Twin Platte NRD**

- Data can be found slides 37 – 41
- Total depletions TPNRD – slide 56
- District-wide increase in depletions

#### **4. Central Platte NRD**

- Slides 42 – 46
- Total depletions CPNRD – slide 57
- District wide increase in depletions
- Stream depletions – impacts to OA basin (upstream of Elm Creek) and the program reach (stream between Elm Creek and Chapman)
  - Program reach – increased in stream flow
  - Redistribution of land use accounts for transfers and other water management activities NRD has done in that area
- The data are based on a projected baseline based on a lot of work COHYST did to calibrate the models (cannot be representative of each individual producer, but reflective as a whole)

## 5. Tri-Basin NRD

- Slides 47 – 51
- Total depletions TBNRD – slide 58
- Summary – slide 52
- Total Depletions Basin-Wide upstream of Elm Creek – slide 59
- Summary
  - NPNRD and SPNRD are meeting and exceeding their allocations – assuming activities in 2013 remain in effect moving forward
  - Changes in results
    - Modeling analysis did more robust job
    - WWUM eliminated land use changes that did not occur
    - COHYST acreage didn't change much but new version has done a better job of representing precipitation impacts, and full exchange of recharge and pumping
    - Primary changes to results was driven by a net extraction model change
  - NeDNR will post these slides to the website and if stakeholders are interested, can send a summary of how these estimates compare with the depletion estimates in the 1<sup>st</sup> increment IMPs
    - NeDNR ACTION item
- Stakeholder discussion
  - Raised concern for the growing population and the increase in food demand (and subsequent more water use) – these numbers do not include food demands
  - Some suggest that if streamflow increases are meeting obligations, then the requirement for mitigation beyond Post-'97 is less pertinent
  - Depletions are measured by looking at the streamflow as though there were no pumping – can have increase in streamflow, but it may not be as much as would have occurred without pumping. Models are required to determine depletions.
- General Stakeholder sentiments:



- We have done a lot and may have even accomplished more in the 1<sup>st</sup> Increment than we thought – this should help in the development of the 2<sup>nd</sup> Increment
- By law, we have to meet Post-'97 obligations, but we need to determine targets/offsets beyond just our legal obligations we'd like to reach
  - FA is somewhere at or above that line
- In Gothenburg, economic development currently constrained because of water issues
- We need to continue collecting data to increase the accuracy of our information, with more accurate data we can continue to reach more conclusive decisions
- We are in a much better position today because of the steps taken 10 years ago – this shows the benefits of metering and technology and the importance of continuing these efforts
- The modeling is limited - it does not/ cannot include everything that has been done
- Concern over the cost it will take to continue and build upon 1<sup>st</sup> Increment targets – how will we do this?
- The NRDs/boards/managers that have exceeded their allocations deserve recognition for all they've done
- Have to be nimble to meet the goal once the goal is identified
- Have a new reality to move forward on

### **III. First Increment Activities Cost & Benefits**

#### **1. Costs Incurred for 1<sup>st</sup> Increment Activities**

- Includes projects, retirements (both permanent and temporary), studies (including model development), and administrative costs (includes NRD costs for regulation)
- Department costs include NET funds, Water Resources Cash Fund, Program 19, general funds (CREP not included)
- Slides 62-63

#### **2. Cost of Regulation in terms of Production**

- Committed dollars (from NeDNR and the NRDs) are also included in the cost calculations, some have not been spent so in theory could be used towards second increment – NeDNR to clarify in the table that these are not all expended dollars
  - NeDNR ACTION item
- Slide 64

#### **3. Benefits of First Increment Activities**

- Berge said there has been overvaluation of property taking place in each district, and since property taxes have been such a significant source, when they re-center themselves, could be very damaging
- Each NRD has its own funding sources
- Much less certainty of funding sources – we have to anticipate this from a strategic planning standpoint
  - Stakeholders asked if this is something that warrants legislative action

- Current farming economy and local economies in towns/communities provide a lot of uncertainty as far as budget is concerned
- Many NRDs experiencing budget cuts in the coming years
  - NET Grant may discontinue – Water Sustainability Fund may also be cut
- Slide 65

#### **IV. Second Increment Intent**

- 43.6k AF is estimate (high end at 126k AF) of yield of 1<sup>st</sup> increment activities at the end of the second increment.
- Minimum - 33,800 AF requirement by statute (post-1997 use depletions at end of second increment)
- Slides 69 – 71
- Jesse Bradley pointed out that it doesn't necessarily have to be a hydrologic solution/answer
  - There are other options for creating improved water certainty in the basin (including addressing vulnerability to drought, etc.) rather than just focusing on hydrologic numbers
  - The hydrologic minimums will always be part of the plan, but we are not limited to the numbers
- Stakeholder discussion on Second Increment Intent
  - We're working with the ideal environment for water storage and recharging – something we should take advantage of
  - Need to gauge the appetite for the taxpayer to spend enough on funding again
  - Drought planning and mitigation is very important to this group and something we know we need to be working towards – build resiliency/drought mitigation practices into the plan
    - Agreement that drought planning is important for the Second Increment Intent
  - Possibility of understanding from groups that are harmed from many of these activities what it would take to offset this harm – should we consider compensating them
  - Second Increment may be about improving efficiency and investments
  - Conjunctive Management needs to be one facet
  - Partnerships among surface and groundwater will be essential
  - Build resiliency into the IMPs
  - Would like to see the robust review results – however, we need to produce the plan before the robust review is complete
  - NCORPE has tools that might be beneficial for drought mitigation
  - Timing and location is critical
  - Spend wisely but keep spending to improve the system
  - Need to contemplate what we have available to each district to help meet whatever goal is identified
  - Call for education on efforts that have been done and continuing

#### **V. Next Steps**

- NeDNR will look into a presentation from the Drought Mitigation Center at the March meeting
  - NeDNR ACTION item
- Stakeholders interested in understanding the significance of crop-type changes on water usage in the system, and the sensitivity of the system to crop types throughout the river basin
  - Updated crop type and land use data will be included in the upcoming robust review analysis, for which work is already underway.
- NeDNR (ACTION item) will send the following questions for consideration prior to March meeting
  - From a drought perspective, where are you at risk?
  - What would it take to be more resilient?
- Consider the balance of numerical goals and other components of Second Increment Plan (i.e. drought management) and the possibility of determining such lofty goals that do not require regulatory backstops (like the post-1997 use offset required by statute that has regulatory backstop).
- Continue relationships between water users - give thoughts on how to create and maintain these relationships

**VI. Public Comment**

- Member of the public reemphasized that the secret is addressing drought mitigation

**Next Meeting: March 21, 2017 at the Holiday Inn Express**

Meeting Date: January 17, 18



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #10

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Date: Wednesday, March 21, 2018 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. January Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
  
- II. Special Presentations
  1. Conservation Study
  2. Drought Mitigation
  3. Conjunctive Management
  
- III. Next Steps
  
- IV. Public Comment

**Next Meeting: May 16, 2018**



# Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #10

Date: Wednesday, March 21, 2018 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

## I. Administration

1. **Today's meeting will offer a working lunch**
2. **This is an Open Meeting**
3. **Review of Decision-Making Process**
  - Consistent reminder of what we're all working towards
4. **January Meeting Recap**
  - Draft robust review results – First Increment not reflected
  - Updated depletion numbers
  - Estimated depletion growth through the next increment
    - i. **Meeting minutes** – to be published online before the end of the week
    - ii. **Key discussion / decisions**
    - iii. **Follow-up items**
  - This meeting's special presentations are follow up items from January's meeting – purely educational but will inform refined Goals and Objectives
  - In May we'll discuss the elements of the draft Second Increment Plan and the identification of the Second Increment Intent
  - July will include more finalization of the Second Increment plan

## II. Special Presentations

1. **Agricultural Hydrology** - Dr. Dean E. Eisenhauer, P.E.
  - Slides 7 – 58 in Power Point
  - Introduction to some of the basics of what influences the models used by NeDNR
  - Reviewed the different zones of soil hydration
    - Geologic setting can influence the thickness of these layers
  - Evapotranspiration: combination of evaporation of water from solid surface and transpiration of plant leaves
  - Relationship between crop yield, evapotranspiration, and irrigation
    - Important takeaway: there is a linear relationship between transpiration/evapotranspiration and yield

- 0 transpiration = 0 yield
- Harvest index: the proportion of biomass that goes to grain (for example, the harvest index of corn is about 50%)
- The average precipitation in the state of Nebraska is about 22 inches/year – this controls a lot of the water balance in the state
- Irrigation efficiency: beneficially used water divided by amount of water applied
- Water gets into streams by runoff and groundwater discharge (aka baseflow)
  - Often influenced by geological setting
  - Groundwater is usually the primary contributor to stream flow – so when there is a significant depletion to groundwater it has a large impact on streams
  - Pumping decreases the connection between groundwater and surface water, disconnecting the water from the stream
  - Deep percolation of the root zone becomes a part of the recharge system for groundwater, so when pumped excessively it causes a problem
- Different types of irrigation have different impacts on efficiency
  - Return flow systems – increased efficiency
    - Requires less pumping, can divert less water
  - Sub-surface drip irrigation – increased efficiency
    - Less evaporation so groundwater and streamflow increase
  - Sprinklers
    - Less evaporation – as long as evapotranspiration is decreased, practice can put more water into system
  - Key takeaway: reducing evapotranspiration can be great for increasing water back into streamflow
    - Mulching with crop residues decreases evapotranspiration
    - Deficit irrigation decreases ET and involves purposefully stressing the plant
- Stakeholder conversations on the inconclusive correlation between evapotranspiration and rainfall
  - Research showing that water from lakes travels far
  - Irrigation can increase evapotranspiration – irrigation has stabilized the atmosphere above that irrigated crop, so thunderstorms decreased over these areas
- Stakeholder conversation on what it means to double crops in terms of water usage
  - Again, no conclusive data but increasing transpiration has helped increase yield and hybrids have developed a greater drought tolerance

## 2. Conservation Study – Marc Groff, P.E.

- Slides 59 – 68 in Power Point
- Using existing models
  - Cooperative Hydrology Study Model (COHYST)
  - Western Water Use Model (WWUM)
- Within each tool set are 3 separate models: Ground Water model; Surface Water Operations model; Land Use, Watershed model (climate, land use, soils, farming practices, etc.)
- Out of Phase 1, two conservation practices selected for evaluation:
  - Changes in Irrigation Application Efficiency (IAE)
  - Changes in Tillage Practices (Till)
- Baseline condition (today) → to extreme condition of a possible future
  - Both scenarios are set up to be possible change analyses
  - IAE – goal is not to adjust the yields, but to reflect a change in evaporation but not transpiration
  - Tillage run scenario set up similarly – baseline conditions and actual climate, then adjusts for changes in single planting operation to represent minimum till (changes in pumping, evaporation, and return flows)
- Evaluated by looking at *net recharge*: change in pumping or diversion, compared to change in recharge
  - If number is positive, aquifer is gaining water
  - If number is negative, aquifer is losing water
  - Numbers between two models are different because Till model looks at all land, while IAE is exclusive to irrigated land
- IAE scenario – on average, irrigation efficiency is about 0.5 inch (positive)
- Tillage efficiency – on average 2.25 inch (positive)
  - Study shows that Tillage efficiencies show a higher potential than IAE scenario
- But other two tools will show the whole picture, based on location and timing impacts of changes
- More to do outside of modeling mold (assumption, definitions, data, etc.)
- Next steps / schedule is a current topic of discussion for NeDNR and eventually SPG
- Stakeholder discussions
  - Farmers within NRDs started changing efficiencies and we are seeing a trend towards special farming techniques
    - This trend is being accounted for in the models
  - Data on the trends between dry land and irrigation largely falls on NRDs
  - Stakeholders interested in seeing what conservation practices were done over time, specifically their impact to transpiration and return flows

- Particularly for surface water users (limited supply – depending on return flows from other users)
- Has total consumptive use been influenced by conservation efforts that have been taken? – have looked into the increase in efficiencies but next steps for developing the scarce measurement data on a basin-wide level are still to be determined
- NeDNR explained that this is a first step in terms of understanding the effect, and moving forward will determine the next steps (looking at data historically vs. looking forward)
- Conservation vs. efficiency – term interchangeable?
- Next steps might be worth including in Second Increment Plan
- Cost is a huge factor, in addition to gathering a significant amount of more data

### 3. Drought Planning

- Kelly Helm Smith (Drought Mitigation Center)
  - Slides 69 – 95 in Power Point
  - US Drought Monitor Map
    - 450 experts use numeric data and refine with on the ground observations
  - Cannot predict when drought will happen, only sure that it will happen again
    - Challenge is to channel this concern into constructive action
  - Planning process at all scales - scale matters
    - Agricultural and urban drought threats are very different
  - State drought planning
    - Nebraska has an outdated mitigation plan
    - Mitigation plan – actions ahead of time to prevent drought
    - Response plan – actions taken once drought occurs
  - Nebraska’s NRDs are an important asset in the state as far as drought planning is concerned (many states divide power so excessively that it is unproductive)
  - Drought planning occurs on a federal level (drought.gov)
    - No federal water policy, primarily legislated at a state level
    - Many more water management decisions made at a local level
  - Emergency management planning (hazard planning)
    - Look at scenarios such as if the 2012 Nebraska drought had lasted years longer
  - 3 pillars involved in drought planning – 10 step process
    - What you want to protect (identify key vulnerabilities)
    - How you’ll know you’re in a drought
    - What to do when in a drought

- Mitigating drought includes irrigation, the use of new technologies, and more
  - Recommend localities establish an operational definition of drought
  - There are many different types of drought, including:
    - Meteorological (not enough rain)
    - Agricultural (not enough water in soil for crops to grow)
    - Hydrological (water in reservoirs/rivers take a while to flow)
    - Socioeconomic (caused by or contributed by society's actions related to drought)
    - Ecological (not enough to sustain ecosystems)
  - Recommend establishing triggers and indicators in order to monitor drought
    - Specific actions connected to specific numeric thresholds
    - Standardized precipitation index recommended as most basic way to track status
  - Mitigation actions include adopting agricultural practices that enhance soil health, enhance infrastructure for storing, etc.
  - Often requires obtaining authority, political will, and stakeholder/public buy-in
    - Sub-committees based on area of impact is a very effective way to keep people involved and informing the plan
  - Some drought planning has occurred in the Lower Elkhorn NRD and North Platte NRD (Tracy Zayac's presentation)
  - The Montana Beaverhead Watershed Drought Resiliency Plan (2016) is a good example
- Tracy Zayac, North Platte NRD
    - Slides 96 – 103 in Power Point
    - North Platte NRD drought planning (2016 - 2017)
      - Mitigation and response plan
    - Built on 3 C's
      - Competition – tournament style, broke stakeholder group up into mixed sector groups
      - Collaboration
      - Community
    - Goal was to bring in as many different perspectives from the district as possible, these segments included:
      - Ag
      - Education
      - Public health
      - Local government
      - Emergency management
      - Etc.
    - Hosted a tournament with mixed stakeholder groups

- Using data from National Drought Mitigation Center, built scenario and provided all contextual information
  - Groups came together to determine what to do, how to do it, and how to fund activities
  - These plans were scored and prizes were given
  - Each group elected a representative to help write the plan
  - Many ideas were used for conversation in the planning process – prioritized and discussed main vulnerabilities
- Also used an advisory group made up of major agencies – provided information about programs and capabilities they might be able to leverage
- Education emerged as the biggest component of the plan
  - Drought, the effects, the basics, etc.
  - Decided to add more of a drought component to existing school program / WET program
  - Work with planning / zoning commissions to include more drought mitigation efforts into landscaping
  - Annual water symposium
- Focus on water quantity; water quality; public health; education; and more
  - Including solutions for the impacts involving mitigation activities
- Cooperative funding and continued conversation across communities
- Intended to be a living document – annual review process and 5 year time-table
  - Schedule of metrics for determining how the plan is working
  - Qualitative and quantitative metrics
  - Self-assessments (monitoring team)
- Data and partnerships called out in plan
- Clear definition of roles and responsibilities
- Intention to increase community resiliency and sustainability
- Scalability from North Platte NRD to Upper Platte River Basin-wide
  - Includes regional partnerships – differences on the ground
- Helpful to have a local plan to deal with more local issues
  - Downstream vs. upstream differences
  - Local level plans are great from a response perspective, while basin-wide is a good place to start with mitigation actions
- Didn't identify triggers in particular, but set up process for studying what triggers would be and the associated conditions

#### **4. Conjunctive Management – Jesse Bradley (NeDNR)**

- Slides 104 – 124 In PowerPoint

- Conjunctive management was a tool identified at the beginning of this planning process as an implementation mechanism and to inform policies
  - Managing resources together
- Focus on water quantity and water quality
- Accomplishing conjunctive management can include:
  - Storing water when plentiful
  - Relying more on groundwater resources
  - Changing timing and location of water for more efficient use
- Conjunctive management to bring together groundwater and surface water for a more optimal outcome for both
  - Re-time and re-balance within finite water supplies
- Can work to protect existing users and maintain viability
- There is an opportunity with new water rights and in looking at the un-appropriated
- First Increment has included some examples of conjunctive management, including:
  - 2011 pilot project – saw strong diversion rates into the canals and meaningful recharge
  - 2013 flood flows – largely from a flood protection standpoint
- Different conjunctive management approaches in the First Increment have seen benefits and present opportunities
  - Created partners in infrastructure
  - More comfortable permitting and monitoring processes
  - Creating greater resiliency of system
  - Are there places we can be storing water for shared use?
- Funding
  - Investment from surface water and irrigation districts, NRDs, and NeDNR
- Opportunities for conjunctive management will continue to be looked into
- NeDNR is working to develop a decision support system, which will be a tool to assist better use of excess flows throughout the system in order to meet our Goals & Objectives
  - In addition to other conjunctive management activities
- Increasing efficiency in recharge – many different ideas being discussed
- Stakeholders expressed interest in discussing drought and conjunctive management related to one another

## **5. Stakeholder feedback on guest presentations**

- General agreement that Dr. Eisenhauer’s presentation was useful and understanding the role of evapotranspiration is important in this process
- Provided a sense of validation in the actions being taken and ideas being discussed – stakeholders feeling on the right track
  - Reductions and allocations have pushed farmers to be better

- Reiterated the importance of conjunctive management in times of flood and in times of drought
  - Want to avoid interests that are at war with each other
  - Also expressed interest in understanding how conjunctive management opportunities could work related to storage and recharging the aquifer
- Some would like to see the incorporation of climate change language in the Second Increment
- Some feel that parts of Nebraska have been facing a kind of drought for years – would like to look at drought recovery options
- Expressed appreciation for the frequent use of the term “we” throughout this meeting – acting as a common body
- Suggested approaching the next increment by looking at system comprehensively as opposed to a problem by problem basis

### **III. Next Steps**

- Consider the possibility that we are already fully appropriated – can continue to discuss this but would like everyone to think about this concept for the next couple of months
- Stakeholders feel free to send thoughts along prior to May meeting

### **IV. Public Comment**

- Jim Eismer with TPNRD board appreciated hearing about the conservation tillage and shared that he once was able to hear in greater detail some estimates on the savings of the evaporation side of the formula and was very surprised by the positive impacts made by using different techniques and different types of mulch
  - Irrigated acres makes a significant difference so would like to see credit given for conservation tillage taking place in NRDs
- Dr. Eisenhower expressed that it is great to see former students working on water planning for the state
- Conjunctive management as it relates to excess flows and the fish and wildlife target flows program – changes to target flows could change the type of projects considered as part of a program extension that is identifying top priorities as a prevention service
  - Pointed out that in big flow years this likely won't make a difference, but asked that governing bodies keep this in mind moving forward

**Next Meeting: May 16, 2018**



Meeting Date: March 21, 18



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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## Agenda

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #11

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Date: Wednesday, May 16, 2018 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### Agenda:

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. March Meeting Recap
    - i. Meeting minutes
    - ii. Key discussion / decisions
    - iii. Follow-up items
- II. Elements of Draft Second Increment Plan
- III. Identification of Second Increment Intent
- IV. Next Steps
- V. Public Comment

**Next Meeting: September 19, 2018**

# Meeting Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #11

---

Date: Wednesday, May 16, 2018 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

## I. Administration

1. Today's meeting will offer a working lunch
2. This is an Open Meeting
3. Review of Decision-Making Process
4. March Meeting Recap
  - i. Meeting minutes
  - ii. Key discussion / decisions
  - iii. Follow-up items
    - Since the last SPG meeting, NeDNR held several meetings with stakeholders who requested more detail into specific action items

## II. Elements of Draft Second Increment Plan

Note: Edits were made in the Second Increment Outline which will be published separately from these minutes

## III.

Discussion included:

- Goal 6. Issues/concerns include:
  - Recommendation to reword Goal to include reference to “while implementing this plan”
  - Objective 1:
    - Concern with 3-year timeframe; this will open up planning process and will have to re-engage stakeholders.
    - Change wording to remove the timeframe and reference to amending plan
    - Concern about limiting to only hydropower uses
    - Concern that addressing one problem will create another somewhere else
    - Mitigation option is to buy out hydro. Are we willing to tax producers to offset power production? The mitigation option may be the opposite of economic viability

- Recognition that water that is used for hydro (except during winter) also has other purposes; there is maintenance, cooling water for power plant, irrigation supply, other deliveries
  - A lot of other things in basin impact economic viability besides water.
  - Recognition that NRDs are mitigating and putting water back in river for all downstream users, this is not new, and not just hydro; follow priority list of water users
  - Concern that objective must also tie back into achieving goal 1. (fully appropriated)
- Objectives 1 & 2:
  - Combine
  - Add “Explore mitigation options that impact the greatest number of users”
- Objective 2:
  - Concern about limiting to surface water use, reword to include groundwater uses
  - Recognize that cyclical supply drives GW response and associated depletions; need to take out specificity of SW users
- Suggestion to include reference to ecological system
- Objective 3:
  - Consider relaxing surface water regulations in times of excess flows and allow for the use of excess flows within the basin;
  - Concern that “within the basin” limits NRDs from transferring water out of basin;
  - “Excess flows” is not technically correct terminology, use “non-appropriated flows” or change to “explore use of flows”
  - Strike completely as that is just the definition of conjunctive management
- Objective 4:
  - Clarify if basin-wide drought plan needed; or if each NRD completes own drought plan. Drought plan should reference IMP. Modify Goal language to encompass “E” and guide the goal statement
  - Concern that financial offset alludes to producers thinking they can be given financial offsets if they are not given the full allotment. Request to delete or be more specific
  - Objective 4A: Request to not limit survey to just water users, replace with “stakeholders”. Discussion on difference between stakeholder group (will not exist after completion of plan) and stakeholders. Find inclusive term and tie to Goal 3
- Objective 5:
  - Request to add reference to “collaboration with stakeholders” to monitor economic viability indicators and determine mitigation options.
  - Discussion that it was not envisioned that stakeholders would be brought back into the process to amend the plan. Since group will meet annually to review, add review of economic viability to Goal 3

- Concern that this is too general. Suggestion to define sustainability and define what economic viability indicators are
  - Recommendation to strike objective
  - Question that economic viability is or is not a concern in times that are outside of drought? Replace objective 5 with “Assess economic impacts of regulations and other management actions”
- Goal 1:
  - Suggestion to include word changes to updating modeling to capture technological advances and climatic changes
  - Concern that water used in crop production is not as consumptive as it is being modeled and depletions are being overstated
  - Suggestion to add language about incorporating dynamic data that adjusts to what reality is for precipitation (note: COHYST and WWUM are being brought to current)
  - Fully Appropriated/Overappropriated: Suggestion that basin is FA and should be defined based on whether uses are being met. NeDNR provided short presentation on what it means to be FA and interrelated moving parts. Suggestion that basin needs drought plan. Offsets will still need to be made for municipal growth and new uses
  - Recommendation to strike objective 6 about funding/policies/rules. It was stated that objective would need to be completed in an open and transparent and involve the stakeholders. However, there is no binding agreement for stakeholder group beyond this plan
- Goal 5:
  - Concern that goal is not understood
  - Consideration that it should fit under another goal instead of being stand-alone goal
  - Suggestion to put conservation and water use efficiency in Goal 6.
  - Suggestion to clarify objective by stating that individual IMPs will specify how law change is handled in 2026. (After 2026, NRD will oversee how municipalities and users offset depletions). Goal 3 or Goal 5?
- Goal 3:
  - Reporting success in the future (frequency). HDR/NeDNR will add language regarding more transparency
- Goal 4:
  - Objective 3 (Water Quality)
    - Intent was for environmental vitality of the basin. Recommendation to strike from plan
- Request to meter the entire basin. Consideration that this language belongs in individual IMPs, not Basin-wide Plan
- Concern that sustainability is missing from Plan. Need to determine what is sustainable in this process. Suggest to define metric for knowing when we’ve



reached our goals. NeDNR presented graphic showing interaction between aquifer, stream flow, and economic viability in defining sustainability

- Concern about accounting for groundwater pumping
- Concern about pre-development depletions compared to now

**Parking Lot Issues**

- Accounting for Surface Water Appropriators: no current concerns, strike from parking lot
- Fish, wildlife, parklands: Concern that plan does not recognize water quality and ecological integrity. Nebraska Game and Parks will make recommendation of what is missing from plan and what to add, if necessary
- Management of the resource: no current concerns, has been addressed in plan. Strike from parking lot

**IV. Identification of Second Increment Intent**

- Suggestion that for a second increment, drought is really where the problem is

**V. Next Steps**

**VI. Public Comment - None**

**Next Meeting: September 19, 2018** – Consideration to lengthen meeting

Meeting Date: May 16, 2018



**NOTE: Photographs/video may be captured during the meeting. These assets may be used by the NDNR, Districts, or HDR for the sole purpose of marketing, communication about the project and/or advertising. This may include, but is not limited to, printed and published materials on the NDNR, Districts, or HDR website.**

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Meeting Date: 5-16-18



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## **Agenda**

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

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Subject: Meeting #12

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Date: Wednesday, September 19, 2018 from 10:30 a.m. to 3:00 p.m.

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Location: Holiday Inn Express & Suites, North Platte, NE

### **Agenda:**

- I. Administration
  1. Today's meeting will offer a working lunch
  2. This is an Open Meeting
  3. Review of Decision-Making Process
  4. May Meeting Recap
  
- II. 2<sup>nd</sup> Increment Review & Consensus
  
- III. Next Steps
  
- IV. Public Comment

# Upper Platte River Basin Water Management Plan – Single Planning Group Meeting #12 Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #12

Date: Wednesday, September 19, 2018 from 10:30 a.m. to 3:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

- I. **Administration:** Stephanie White, HDR, opened the meeting at 10:37 a.m. CT. She reminded the group that all districts in the basin have begun the IMP process. Stephanie referenced the handouts, which include the agenda, a copy of the slides, a draft copy of goals and objectives thus far, and a table of contents. She reminded the group of the water management planning values.
  1. **Today's meeting will offer a working lunch**
  2. **This is an Open Meeting:** Stephanie stated the meeting is open and notices were published in five newspapers. She pointed out the copy of the open meetings act in the room.
  3. **Review of Decision-Making Process:** She reminded the group of the decision-making process in which the goal is consensus, if not, a majority. She stated if a majority is not reached, NeDNR and the NRDs will work together to solve disputes and to create a final plan.
  4. **May Meeting Recap:** Stephanie reviewed what was completed in May and noted that the group will be able to see a reflection of the discussion at the last meeting in updates to the plan, and specifically in Goal #1.
  
- II. **2<sup>nd</sup> Increment Review & Consensus:** Stephanie stated that this process was initiated in 2015 and that today is the 12<sup>th</sup> stakeholder meeting, and discussed the collaboration effort that included stakeholders, alternates, regular participants, NeDNR, and NRDs. By April of 2019, the NRDs and NeDNR will begin the process of adopting a basin-wide plan, which will require a public hearing. The first annual meeting for the 2<sup>nd</sup> increment basin-wide plan will happen in the summer of 2020. In 2026, planning for the 3<sup>rd</sup> increment of the Upper Platte basin-wide plan will be initiated. She noted that all the individual IMPs currently in progress must be consistent with the basin-wide plan.

Jennifer Schellpeper (NeDNR) stated that in addition, there have been many small group meetings between NeDNR, NRDs, and some stakeholders over the course of the last few months regarding the draft plan.

Stephanie took roll and noted the number of voters in the room (24 primary voters in attendance today). If there is a goal that the group is willing to take as is, the group will not spend time talking about it today. Each voting member used previously provided red, yellow, and green cards to represent their votes for each goal.

**Goal #5: Keep the Upper Platte Basin-Wide Plan current and keep stakeholders informed.**

- Vote on Goal #5:

- **Green: 23, Yellow: 0, Red: 1**
- Will revisit discuss Goal #5 if there is time at the end of the meeting

**Goal #4: Work cooperatively to identify and investigate disputes between groundwater users and surface water appropriators and, if determined appropriate, implement management solutions to address such issues.**

- Vote on Goal #4:
  - **Green: 24, Yellow: 0, Red: 0**

**Goal #3: Partner with municipalities and industries to maximize conservation and water use efficiency.**

- Vote on Goal #3:
  - **Green: 20, Yellow: 4, Red: 0**
  - Will revisit Goal #3

**Goal #2: Prevent or mitigate human-induced reductions in the flow of a river or stream that would cause non-compliance with an interstate compact or decree or other formal state contract or agreement.**

- Vote on Goal #2:
  - **Green: 21, Yellow: 2, Red: 1**

**Goal #1: Incrementally achieve and sustain a fully appropriated condition while maintaining economic viability, social and environmental health, safety, and welfare of the basin**

- Vote on Goal #1:
  - **Green: 12, Yellow: 9, Red: 3**
- Stephanie noted Goal #1 includes the most new content (objectives and action items) to be discussed, and stated some stakeholders have submitted content for this goal.. Stephanie counted a vote on just the goal itself (not including objectives and action items) as a formality, since it hasn't changed since the last meeting.
  - **Green: 22, Yellow: 2, Red: 0**
- Stakeholder comment:
  - Questioning whether or not the basin is already fully appropriated (FA) and suggestion that a simpler definition of FA be decided upon. We should recognize that water is reusable and should also include 'water 101' in this plan.
- Stakeholder asked for a vote on his proposal that the basin-wide plan indicate that the Upper Platte Basin is already FA:
  - Green: 2, Yellow: 10, Red: 11
- Summary of discussion on proposed **Goal 1** and stakeholder's FA suggestion:
  - Discussion on whether the concepts that the stakeholders are currently asking for are satisfactorily addressed in the basin-wide plan. A stakeholder stated that they agree that mitigation should be a focus. A stakeholder pointed out the conflict between the eastern and western portions of the basin, and that recognizing the basin as FA could be a way to resolve this. The plan does not specifically include "water 101" but there is a lot of information about the hydrology of the basin and the variability of supplies. A stakeholder stated that they would like the plan to recognize that crop production can be a reusable source of water, and that the plan needs to focus on the future instead of water use for the current generation. The stakeholder is not suggesting any particular change to the plan, but a goal of simplicity, flexibility, and taxpayer friendliness. Another stakeholder asked if there had been a decision between overappropriated (OA) and FA, and noted that the wording says "current", not



OA. NeDNR pointed out that the language comes from statute, and that the plan is trying to balance statute language with the information needed to represent the current situation. When asked if the wording of OA would ever change, NeDNR responded that the words can't change, but the action in the plan can change; therefore, there needs to be a focus on action, and not wording. The action is focused on drought mitigation and developing a drought plan.

▪ Summary of discussion on **Table 1.1.1: First Increment Robust Review Results Summary**

- NeDNR is still working on the final numbers, but there has not been significant change from the preliminary data presented in January. The table is blank because the data has not been finalized yet. The data will continue to be updated throughout the next increment. A stakeholder expressed concern that the information takes so long to update. Another stakeholder stated that they felt uncomfortable voting without adequate information and would like the stakeholders to be better informed. Another stakeholder expressed concern with wasting time on the tables without numbers. NeDNR asked whether or not presentation of final numbers would change stakeholder agreement on goals or objectives; a stakeholder responded that it will cause stakeholders to vote 'no' due to lack of information. Another stakeholder later reiterated this point. NeDNR stated that the numbers will be in the table before the public meetings and hearing, and that there will be many opportunities to provide input later in the process. The initial numbers from the robust review will be in the table by the time each NRD has to adopt the plan.
- A stakeholder asked if there is flexibility in the basin-wide plan to remove regulations if the updated numbers show that the set goals have been exceeded. Another stakeholder stated that it would be up to the NRD's board of directors.
- A stakeholder suggested that the basin-wide plan should state what happens when the basin becomes FA, and NeDNR clarified that the plan says once the basin becomes FA, it must maintain that condition.
- A stakeholder pointed out that the regulations are all on the western part of the state, and asked where the "saved" water goes. It was noted that the regulations in the western NRDs are not articulated in this plan; they are part of the individual IMPs. Statute says we are to protect existing users, but each NRD has the ability to choose management actions in order to reach that goal. A stakeholder reminded the group that statute is where a lot of the wording and requirements are coming from, and that they are trying to provide as much flexibility as possible.
- A stakeholder asked why the NRDs are at different points; some have met their goals while others have not. NeDNR responded that first increment goals were met by every NRD, and that this group is planning for the second increment.
- A stakeholder expressed confusion between positive and negative numbers because negative numbers indicate a positive result. Stephanie suggested that could relate to Goal #5 on how to keep stakeholders better informed and how NeDNR and the NRDs can help the public better understand.
- A stakeholder asked if there is something in the figures to recognize lost value of using and reusing water. NeDNR referenced the section of the plan that talks about use of best available science. Stephanie said that the plan does not state what the best available science is, simply that it is being used.

- A stakeholder pointed out that the group is not adopting the plan, but approving the format, and proper information will be provided once finalized. The group should focus on providing NRDs and NeDNR the information that they need to implement management within the basin.
- Another stakeholder asked for a vote on whether the basin is FA or not. Stephanie called for the vote on whether or not the basin is FA (Green: FA, Red: Not FA):  
Red: 14, majority

**Goal #2: Prevent or mitigate human-induced reductions in the flow of a river or stream that would cause non-compliance with an interstate compact or decree or other formal state contract or agreement.**

- Summary of discussion on **Goal #2:**
  - A stakeholder questioned the definition of environmental health and expressed interest in seeing water quality reporting becoming part of an action item in the plan. A stakeholder said environmental health includes water quality, so it is indirectly included in the plan. Including statistics or requiring annual reporting about water quality in the plan would be confusing because NeDNR has no jurisdiction of water quality issues. The group came to the conclusion that these water quality metrics are already available through other state and federal agencies.
  - Vote to include 10-year report of water quality metrics in the basin-wide plan in Goal #2:
    - Green: 2, Yellow: 0, Red: 21, Abstained: 1
  - Vote on the approval of Goal #2:
    - **Green: 23, Yellow: 0, Red: 1**

**Goal #3: Partner with municipalities and industries to maximize conservation and water use efficiency.**

- Summary of discussion on **Goal #3:**
  - NeDNR discussed updates to Objective 3.3 and associated action items. Changes were made following stakeholder conversations and individual IMP stakeholder meeting discussions on municipal/industrial uses and setting baselines (allocations). According to statute, NRDs are responsible for offsetting new uses over an established baseline prior to 2026, but after 2026, an NRD can require the municipality or industry to offset any uses above the baseline. A stakeholder asked if NRDs can establish new baselines that are higher than what they were before and how the baselines are calculated. NeDNR responded that for municipalities in 2026, the amount is either what they had in a permit or their greatest annual use up to 2026. Lyndon Vogt, CPNRD Manager, said the NRDs are responsible for offsetting anything above 1997 use. The NRDs will determine if/how they will offset for municipal and industrial uses in their IMPs.
  - Vote to approve Goal #3:
    - **Green: 23, Yellow: 0, Red: 1**

**Goal #1: Incrementally achieve and sustain a fully appropriated condition while maintaining economic viability, social and environmental health, safety, and welfare of the basin**

- Summary of discussion on Goal #1 (**Action Item 1.3.4**)
  - Drought contingency plan – a new component in the basin-wide plan
  - Stephanie called for an early vote to see if stakeholders would approve Action Item 1.3.4 as is, or if there needs to be a discussion

- Green: 18, Yellow: 0, Red: 6
- Suggestions from stakeholders for the drought plan action item (1.3.4)
  - A stakeholder suggested adding a time period in the action item to develop the drought plan in 3 or 5 years.
  - Add a new action item (1.3.4.5) that would say “to implement the basin drought contingency plan during times of drought.”
  - A stakeholder said annual review in the middle of the drought is not good enough and asked how to make sure it is going to happen. NeDNR responded that once a drought plan is developed, it will be in the basin-wide plan, which is reviewed annually. A stakeholder said 1.3.4.4 reflects that.
  - A stakeholder suggested adding a more concrete requirement of something that is done, other than education, etc. They would like to see more water available to impacted users, more stakeholder involvement in identifying solutions, and specific solutions developed with stakeholders. Noted that when this group ends, there isn’t a “stakeholder group”, but “affected water users” who will be included in these drought planning conversations. This language is included, rather than “stakeholders” to avoid confusion. Example: Action items under Objective 1.3 references “impacted water users.”
  - A stakeholder asked if managing storage water is the only mitigation action that the group wants to mention in 1.3.4.2? A stakeholder asked if someone didn’t use their full allocation this year, would there be a reward during drought for those who are preparing before times of drought? NeDNR suggested a drought planning workshop could address this and a drought plan would recognize this. Another stakeholder suggested deleting the example of “management of storage water” in Action Item 1.3.4.2 to strengthen language and add clarity
- Votes on 1.3.4, with changes agreed on today
  - **Green: 23, Yellow: 0, Red: 1**
- Summary of discussion on Goal #1 (**Action item 1.3.3**):
  - A stakeholder asked how the water market works and expressed concern about differences in selling water at different ends of the state. A stakeholder suggested new action item or working that emphasizes implementation.
  - Vote to accept Action Item 1.3.3:
    - **Green: 23, Yellow: 0, Red: 1**
- Summary of discussion on Goal #1 (**Objective 1.4**):
  - A stakeholder asked for clarification on getting back to FA if the basin is declared OA now. NeDNR responded that under the law, in terms of changing the title from OA to FA, there is an interpretation that it can’t be done. However, that is not the same thing as saying we can’t take the actions we agree would be beneficial for the basin because the plan anticipates that we gate back to FA and maintain it. This objective is focused on the technical analysis used to evaluate getting back to the FA condition. The wording is based on statute.
  - Vote to accept Action Item 1.4:
    - **Green: 24, Yellow: 0, Red: 0**
- Summary of discussion on Goal #1 (**Objective 1.5**):

- A stakeholder expressed concern with the cost of this plan from a tax point of view and would like to reevaluate cost and simplicity of the plan; is there any way to consider the taxpayer in this plan? A stakeholder suggested using a term like “cost-effective”. Stephanie suggested “use available funds and actively pursue new funding opportunities to cost effectively offset depletions...”
- Vote to accept Objective 1.5, with the wording discussed above?
  - **Green: 24, Yellow: 0, Red: 0**
- Summary of discussion on Goal #1 (**Objective 1.3**)
  - John Engel, HDR: Discussed broad context of Objective 1.3 that would help stakeholders understand the intent of the goal overall. Noted how these Action Items can help to answer some questions that came up in earlier discussion.
  - Vote on Action Item 1.3.1:
    - **Green: 24, Yellow: 0, Red: 0**
  - Votes to accept Action Item 1.3.2:
    - **Green: 24, Yellow: 0, Red: 0**
- Summary of discussion on Goal #1 (**Objective 1.6**)
  - Discussed that transfers of certified acres across NRD boundaries would be at the NRDs’ discretion.
  - Vote to accept Objective 1.6:
    - **Green: 24, Yellow: 0, Red: 0**
- Summary of discussion on Goal #1 (**Objective 1.1**):
  - A stakeholder said that the plan should mention that flexibility is necessary if this is about maintaining achievements. NeDNR noted in the text under the Action Item that there is wording that references flexibility and that progress from the first increment needs to be maintained. A stakeholder asked if there should be a date on which the basin has to reach 1997 levels. A stakeholder pointed out that the next Action Item says “levels will be met within this increment.” A stakeholder said that Action Item 1.1.1 says there is likely going to be funding changes, and asked if it is possible to maintain the levels met in the first increment if that happens. Stephanie suggested adding wording such as “insofar as possible” or “as fiscally possible.” A stakeholder asked, in the case of an NRD that exceeded their requirements for the first increment, if that makes up for progress needed in the second increment. NeDNR responded that it is part of getting back to a fully appropriated condition. A stakeholder voiced concerns regarding cost of having to maintain the condition. A stakeholder suggested the wording of “maintaining what has been achieved” be revised to “system viability must be maintained, but flexibility is essential.” Stephanie pointed out that changes the intent. A stakeholder had issue with the word “efforts” and asked it to be changed to “progress.” NeDNR pointed out that “insofar as possible” could be an excuse not to do anything. A stakeholder further voiced concerns about being able to maintain what has been achieved with limited budgets. NeDNR asked if introducing “cost effective” or “cost benefit” to 1.1.1 would help.
  - Vote to accept Objective 1.1, with modifications to include ‘cost benefit analysis,’ ‘flexibility,’ and ‘progress.’
    - **Green: 24, Yellow: 0, Red: 0**
- Summary of discussion on Goal #1 (**Objective 1.2**):

- A stakeholder pointed out that the plan doesn't recognize the airborne side of the water 101 equation and that water is reusable, and asked if it needs to be considered. NeDNR said their models consider evapotranspiration and precipitation. A stakeholder asked if the loss of value due to using and reusing water needs to be considered. NeDNR discussed how the models measure everything and take the value of using and reusing water into account.
- Vote to accept Objective 1.2:
  - **Green: 24, Yellow: 0, Red: 0**
- **Goal #5:**
  - Vote to accept Goal #5:
    - **Green: 24, Yellow: 0, Red: 0**
- Stephanie asked the group if they felt comfortable with Goal #1 overall, since objectives were discussed out of order.
  - **Stakeholder:** Referencing Action Item 1.3.3.3, on markets. "How can, during drought, some people be marketing in one place, while someone's allocating in another?" Does not feel comfortable with it, but stated that there is no answer. "It will happen again and again."
  - **Stakeholder:** Discussed that there will still be individual NRD control on marketing – local control.
  - **Stephanie:** The requirement in this section is only for a study.
- Stephanie offered stakeholders time to think and called for public comment.

### III. Next Steps

### IV. Public Comment:

- Jason Farnsworth, PRRIP: Thanked the group for inviting and allowing the public to listen and learn from the meeting. Referenced the conversation on "bang for your buck" and wanted to remind the group that this conversation is going on in other places too. PRRIP has brought a lot of federal money into Nebraska and it has been shown that there are incentives to participating in PRRIP projects. Farnsworth invited questions from stakeholders regarding how the program is helping these efforts financially.
- Stephanie called for a vote for the whole plan
  - (**Stakeholder:** Stated they wanted to change their vote from 'Red' to 'Green' on Action Items 1.3.3 and 1.3.4.)
- Vote on whole plan:
  - **Green: 22, Yellow: 1, Red: 1**

The meeting was adjourned at 3:05 p.m. CT.

Meeting Date: September

19, 2018



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Meeting Date: \_\_\_\_\_



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