

Nebraska's Integrated Management Plans

Ensuring Republican River Compact Compliance



Overview

- Background
- Review of RRCA Compact accounting
- RRCA compliance tests
- Nebraska's integrated management plans (IMPs)
- Dry year considerations
- Future timeline for modification of IMPs

Background—Arbitration

- Damages for non-compliance in 2005-2006
 - Kansas was not successful at proving damages and was awarded nominal damages of \$10,000
- Accounting issues
 - Nebraska presented several accounting issues
 - Generally, these were not resolved in the arbitration
 - Nebraska is committed to ensuring the accounting is accurate and will continue to pursue these issues

Background—Arbitration (cont.)

■ Future Compliance

- Kansas demanded that Nebraska permanently shut down 515,000 irrigated acres
- Nebraska argued that the current IMPs were adequate to ensure compliance with the Compact during average and wet years, and any shortfall in dry years could be made up with other tools (e.g., dry year leasing)
- Arbitrator concluded that the Kansas remedy was not needed, but that Nebraska underestimated potential future shortfalls in dry years, and that a specific plan was needed to address this

Background—Purpose

- Nebraska's integrated management plans (IMPs) are adequate during most years
- Overall streamflow depletion limits for all years are in place in the IMPs
- Use of the annual forecast and specific actions to be taken in the event of a dry year are not spelled out
- The State of Nebraska has publicly stated that it is in the process of working with the natural resources districts (NRDs) to put additional details in the IMPs that address dry periods

Background—Timeline

- Public announcements—August and November 2008
- Discussion with NRD managers—Fall 2008
- Arbitration – October 2008 through April 2009
- Compliance meetings with boards—May and July 2009
- Managers' meeting—July 2009
- Board meetings—August 2009
- Public meeting—September 2009

RRCA Compact Accounting

- The RRCA computes the water supply that was available for beneficial use for each year
- This accounting is always done after the fact
- Each state's allocation is based on this computed water supply
- Nebraska also receives an Imported Water Supply (IWS) Credit

RRCA Compact Accounting (cont.)

- The Computed Water Supply includes:
 - The gaged streamflow
 - Stream depletions due to surface water diversions
 - Stream depletions due to groundwater pumping
 - Stream depletions due to reservoir evaporation
- The diversions, groundwater depletions, and evaporation are all lumped together as each state's Computed Beneficial Consumptive Use (CBCU)

RRCA Compliance Tests

- Each year, Nebraska's allocation plus Imported Water Supply Credit is compared to its CBCU to determine the balance for that year
- Allocation + IWS – CBCU = Balance

Allocation	IWS	CBCU	Balance
225 kAF	25 kAF	200 kAF	50 kAF
200 kAF	25 kAF	250 kAF	-25 kAF

Compact Compliance

- Normal Year Administration (NYA)
 - 5-year average
 - Above Hardy
- Water Short Year Administration (WSYA)
 - 2-year average
 - Above Guide Rock
 - 3-year average (alternative)

History of RRCA Accounting for 1995-2008

Year	NYA	5-year avg.	WSYA	2-year avg.
1995	54,572	-	32,606	-
1996	122,794	-	99,697	66,152
1997	38,454	-	24,974	62,335
1998	35,337	-	17,524	21,249
1999	14,604	53,152	-3,395	7,065

History of RRCA Accounting for 1995-2008 (cont.)

Year	NYA	5-year avg.	WSYA	2-year avg.
2000	14,046	45,047	12,567	4,586
2001	25,302	25,549	4,600	8,584
2002	-15,364	14,785	-18,626	-7,013
2003	-25,420	2,364	-33,346	-25,986
2004	-36,634	-7,614	-46,092	-39,719

History of RRCA Accounting for 1995-2008 (cont.)

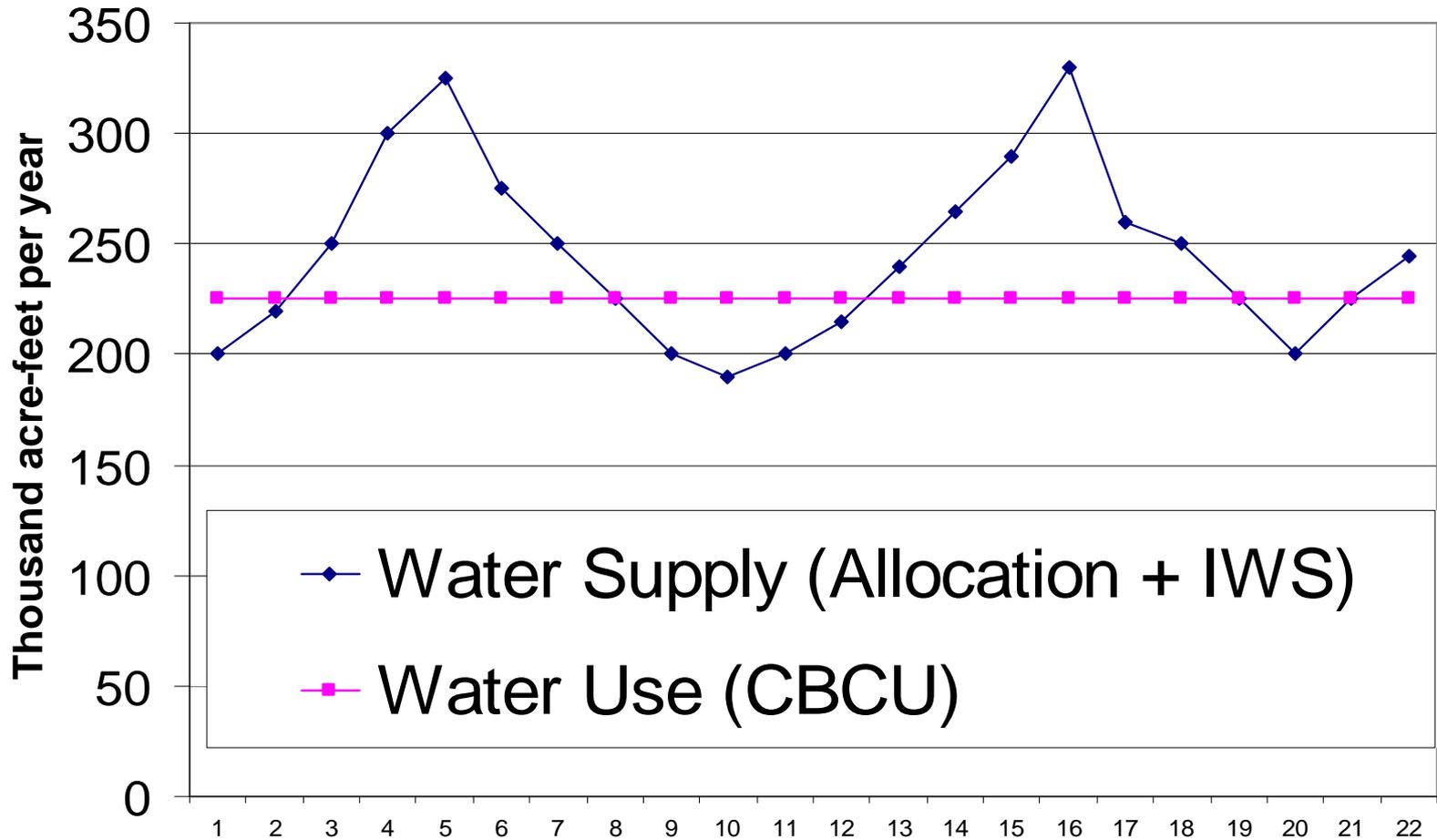
Year	NYA	5-year avg.	WSYA	2-year avg.
2005	-42,324	-18,888	-42,860	-44,476
2006	-31,512	-30,251	-30,745	-36,802
2007	30,683	-21,041	17,142	-6,802
2008*	85,675	1,178	79,968	48,555

* 2008 values are preliminary and subject to change.

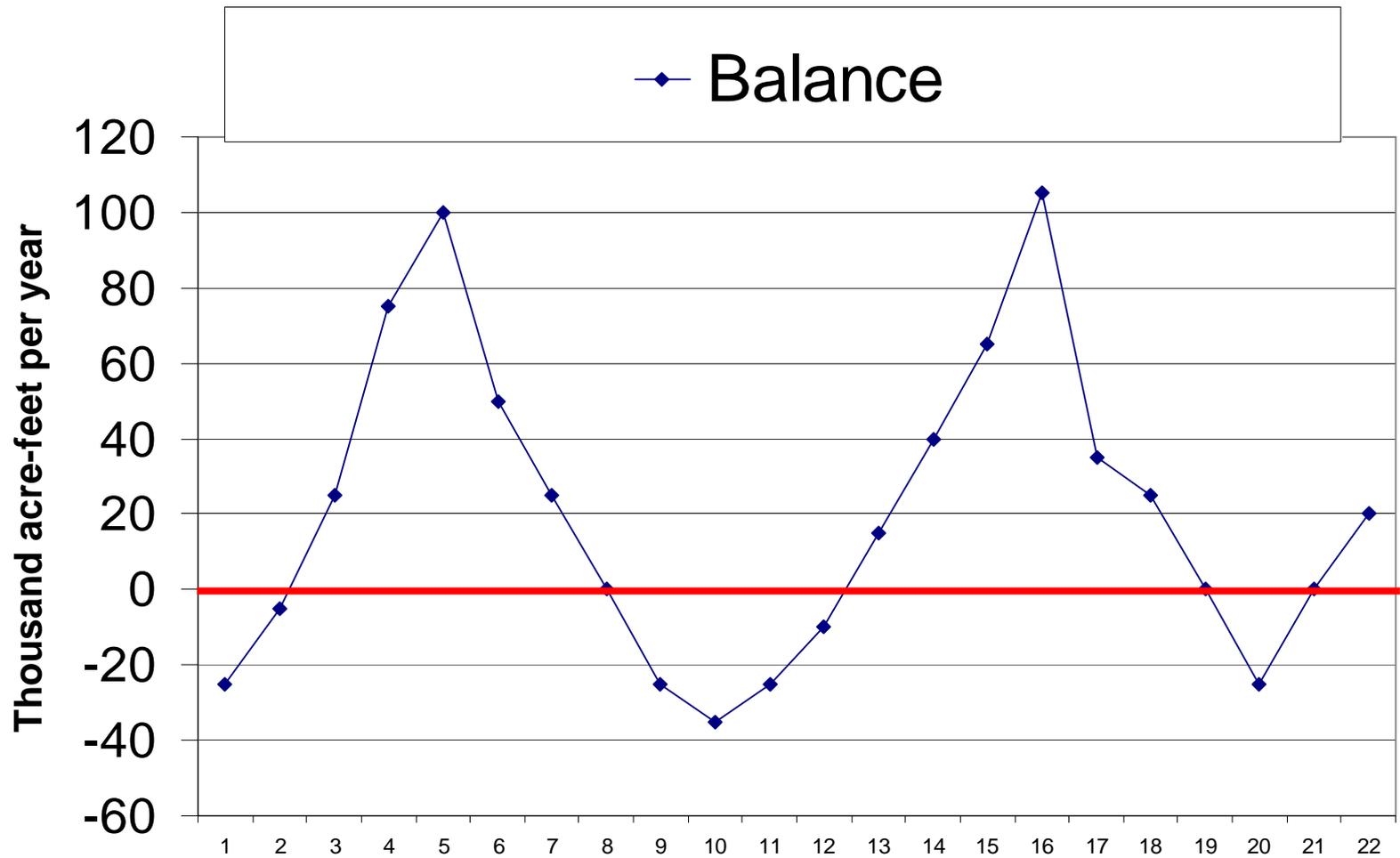
Compliance Comments

- Nebraska's water supply increases and decreases with wet and dry cycles (primarily related to changes in gaged streamflow)
- Our water use is generally constant
- On average, use needs to be less than supply

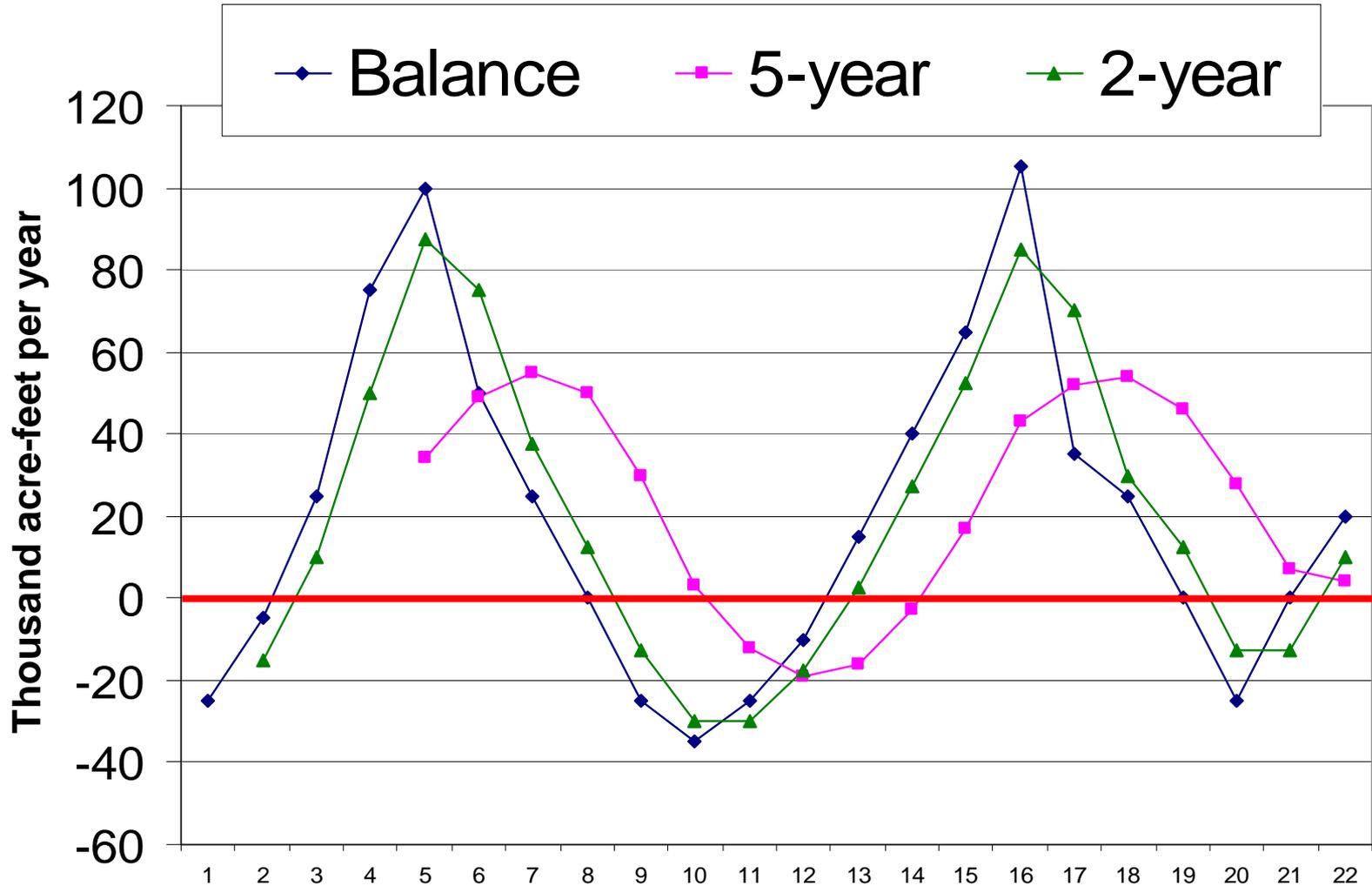
Water Supply vs. Use



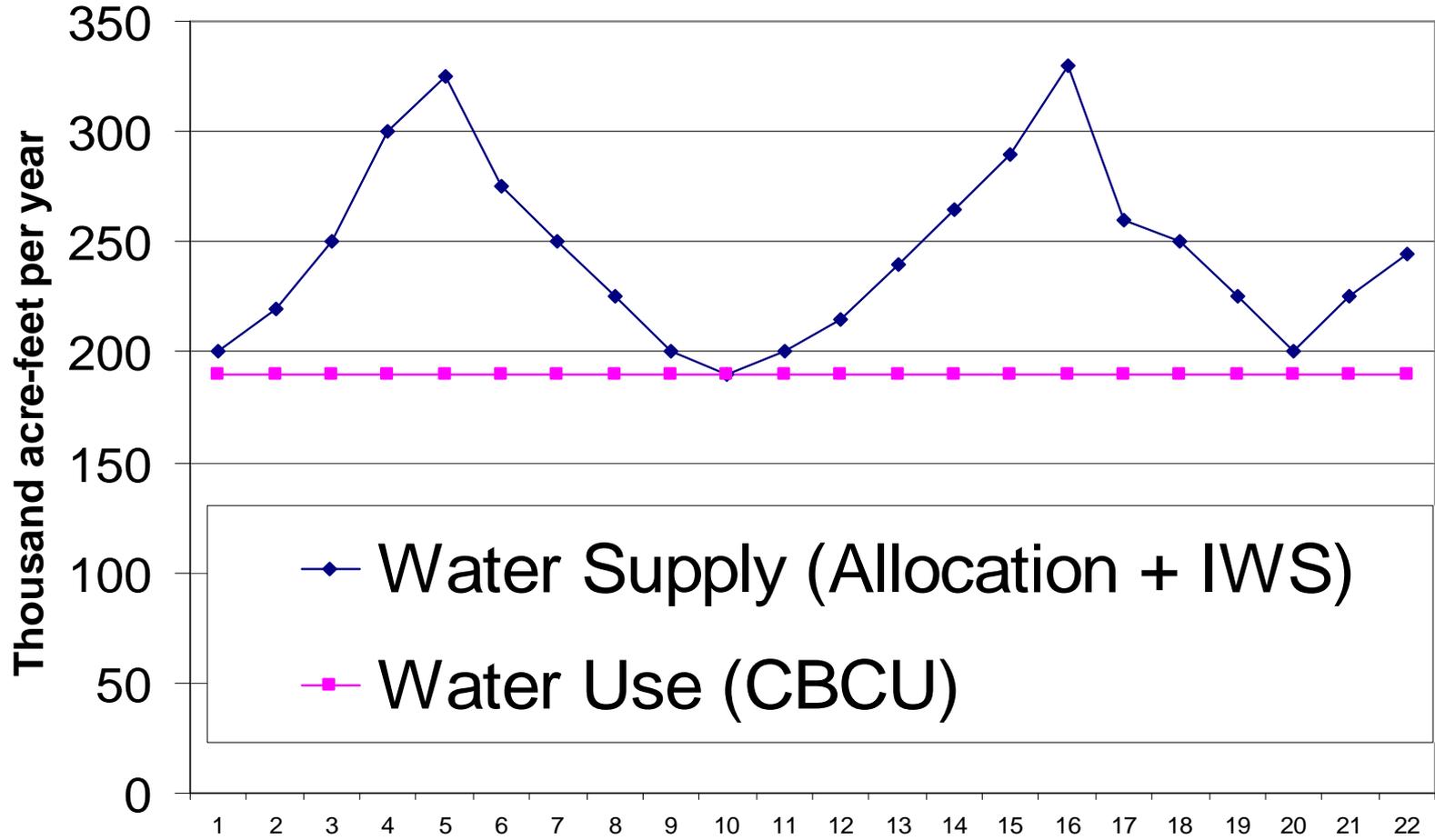
Annual Balance



Compliance Tests



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Nebraska's IMPs

- Two overall requirements
 - Overall pumping limitations
 - Groundwater depletions in each NRD must not exceed the NRD's share of the state's allowable groundwater depletions

Nebraska's IMPs (cont.)

- Pumping limitations are designed to keep Nebraska in compliance during average and wet years with no further action required
- During dry years, additional actions may be required to maintain compliance with the IMPs and the Compact
 - Surface water leasing
 - Augmentation
 - Regulatory controls

Dry year challenges

- Compact accounting is after the fact
- Water short year determination is made half way through year two of the two year averaging
- Very good years can drop off and change the 5-year average very quickly
- Surface water supplies and/or augmentation deliveries may not be available when they are needed

Dry year solutions

- Strengthening our forward-looking monitoring system
- Developing additional decision points to ensure that Nebraska is maintaining an adequate balance to stay in compliance during a dry year
- Working to put the needed surface water contracts and augmentation systems in place
- Implementing the necessary regulations when needed, but only as a measure of last resort

Timeline for IMP Modification

- Public meeting—September 2009
- Finalize details for consideration—September-October 2009
- Board meetings—October 2009
- Public meetings—October-November 2009
- Annual forecast meeting—November 2009
- Adoption Process—beginning in December 2009

Questions?

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