

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

AWRA Spring Specialty Conference:
Setting Conditions for the Success of
Integrated Water Resources Management

March 26, 2019

The
Republican
Basin

Where
We Were:
Contention and
Litigation

Shifting
Dialogue

Where
We Are Now:
Investing
in the Basin
Together

Carol J. Myers Flaute
Integrated Water Management Coordinator

Kari Burgert
Integrated Water Management Analyst

Jesse Bradley
Assistant Director

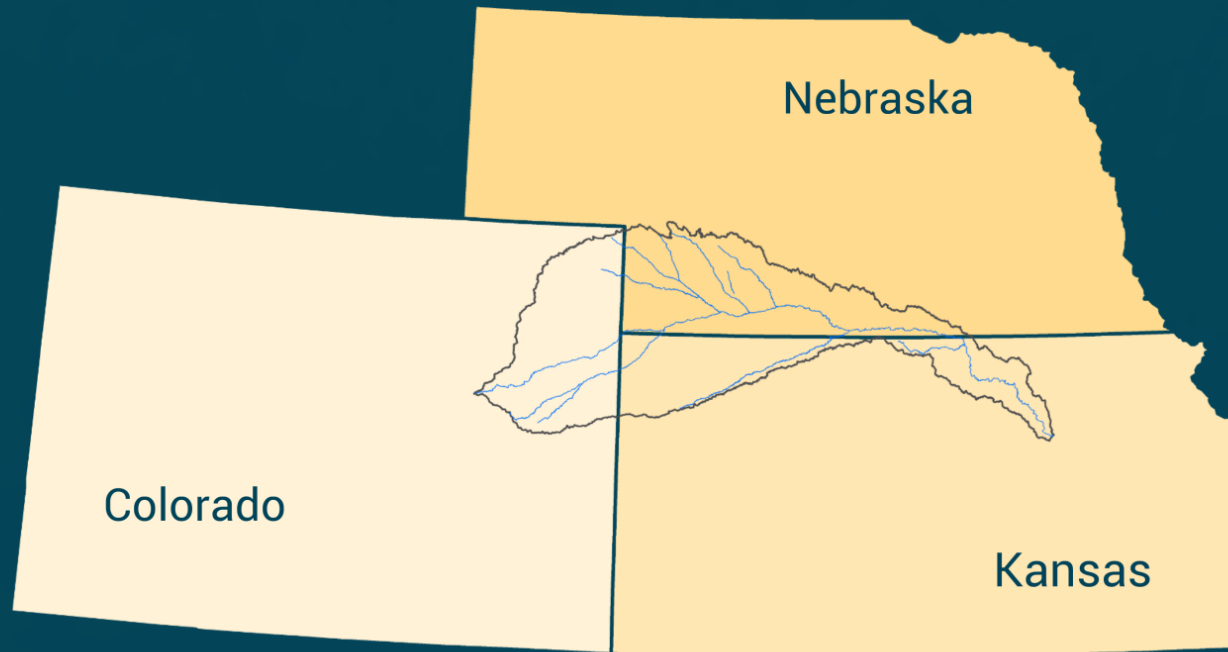
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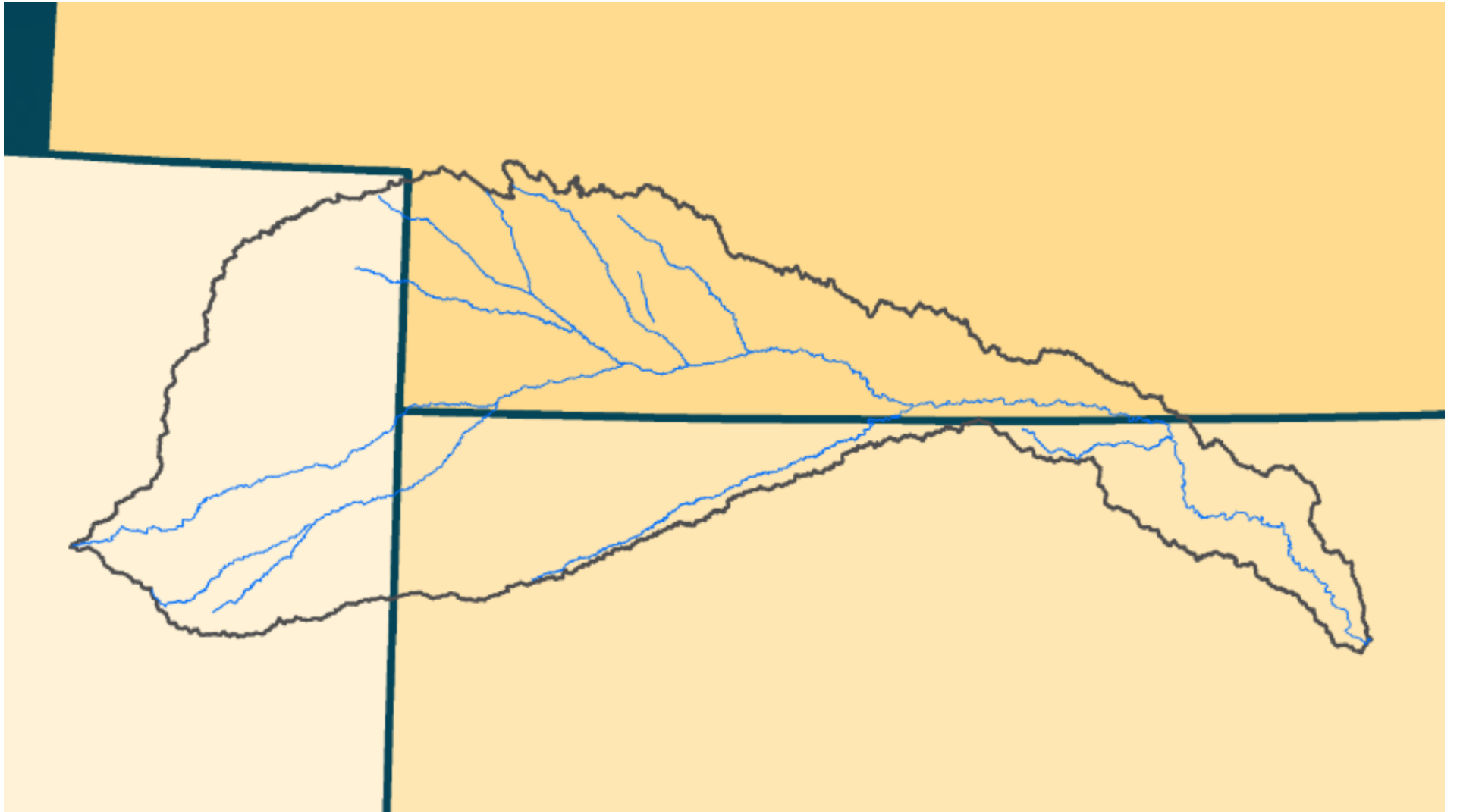


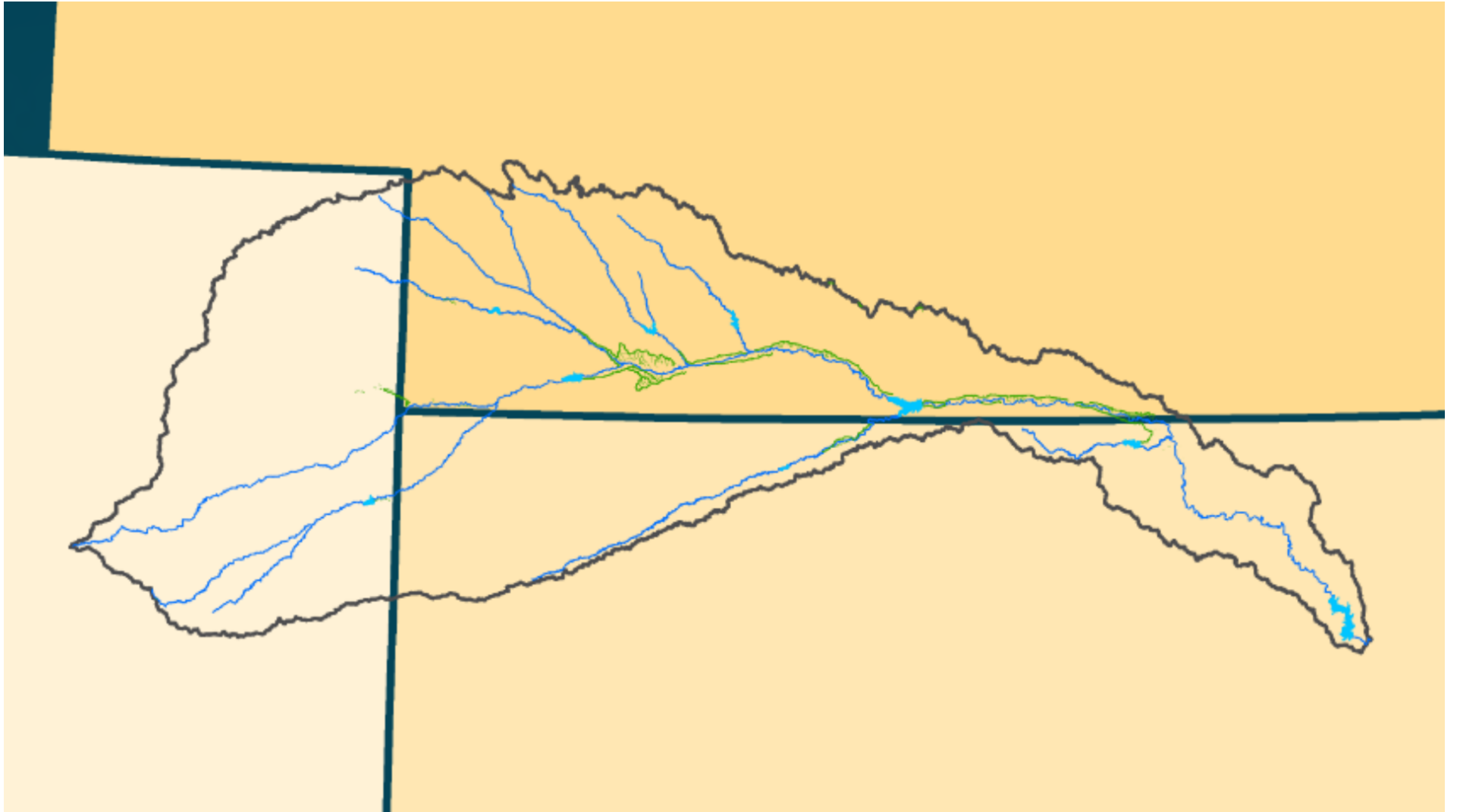
The Republican River Basin

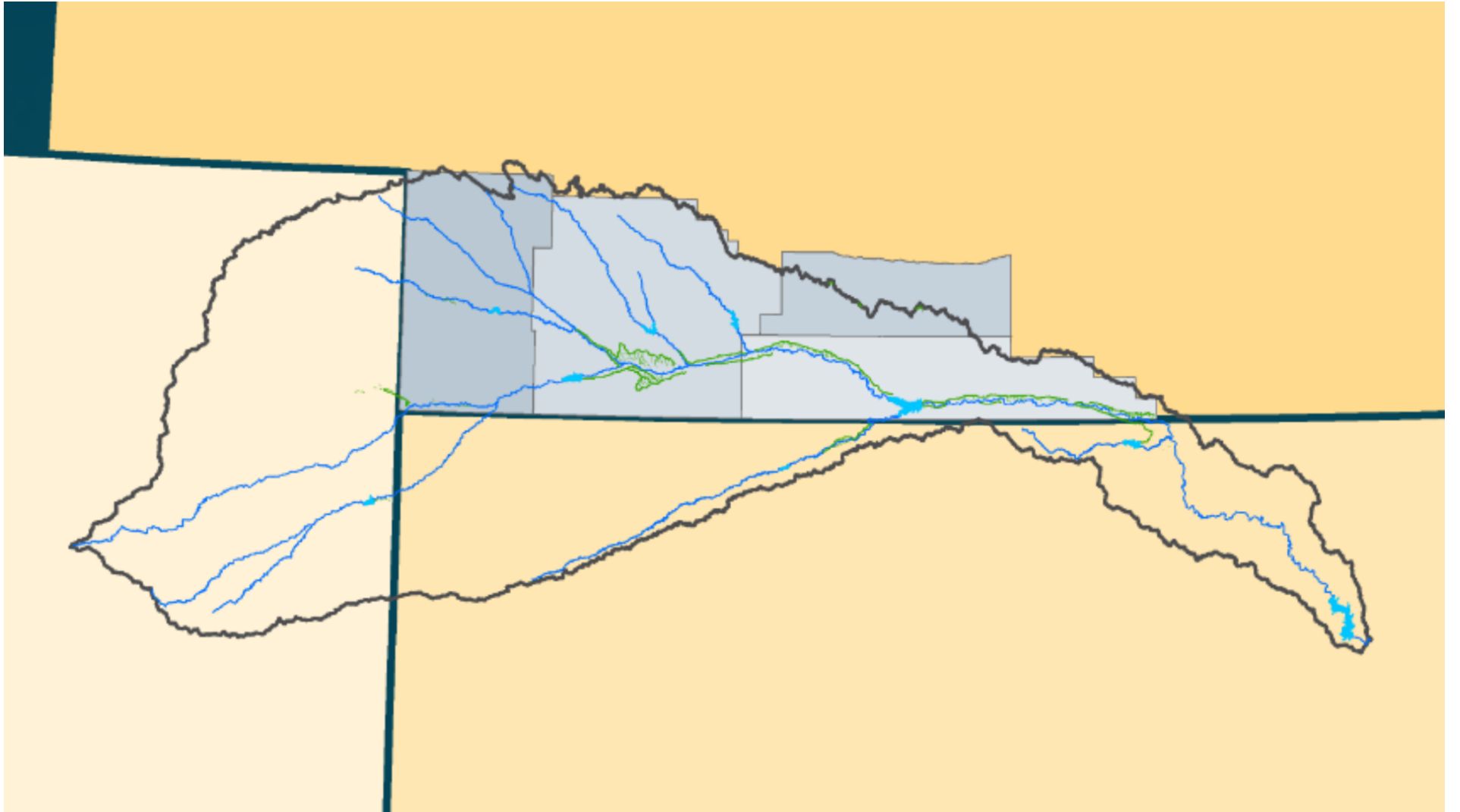
Who manages water?

The Republican River Basin









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Where We Were: Contention & Litigation

1998–2002
Litigation (US Supreme Court)



2002
Final Settlement
Stipulation

Where We Were: Contention & Litigation

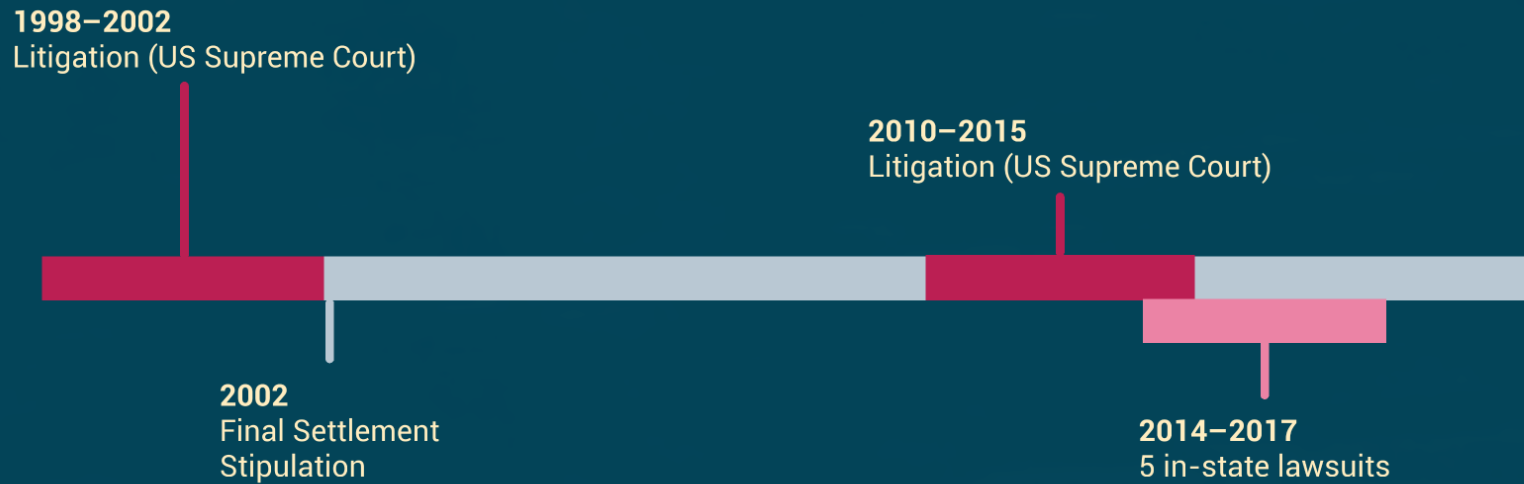
1998–2002
Litigation (US Supreme Court)

2010–2015
Litigation (US Supreme Court)

2002
Final Settlement
Stipulation



Where We Were: Contention & Litigation



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Shifting Dialogue

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



Shifting Dialogue

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

Authorities



Shifting Dialogue

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

Authorities

Communication



Questions of Authority

Nebraska's compliance



How would Nebraska
comply with the Compact
moving forward?

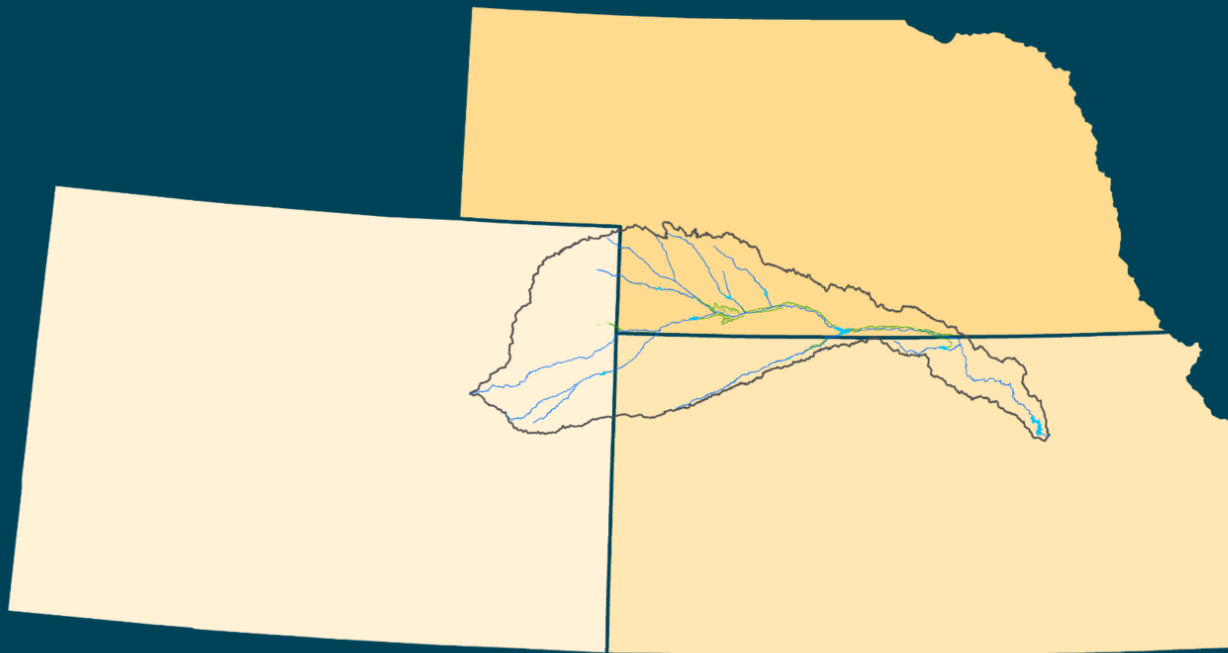
Compensation

Does Nebraska owe compensation:

- For non-compliance?
- For administration of water for compliance?

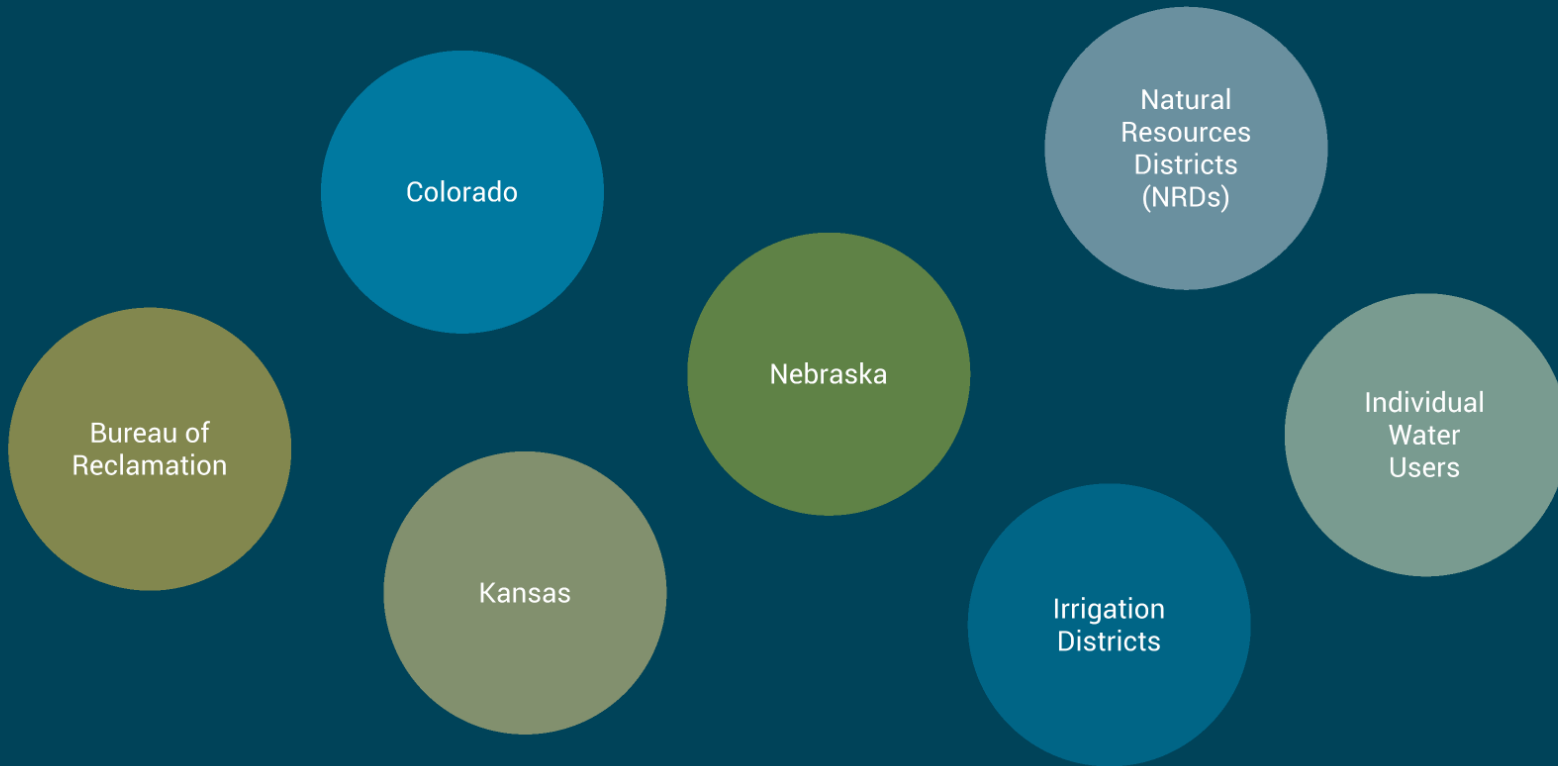


Accounting and Compliance Test Issues

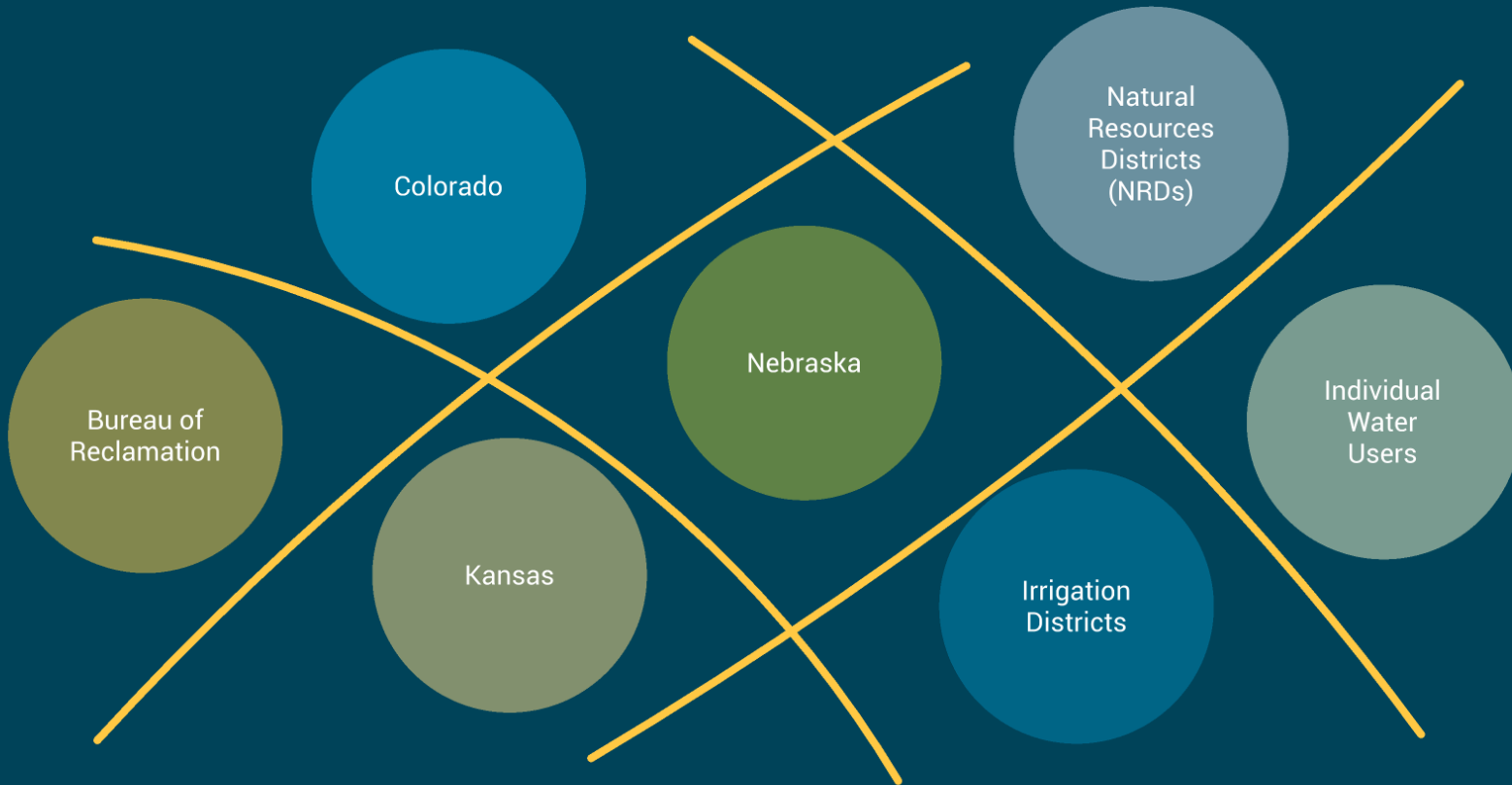


Communication

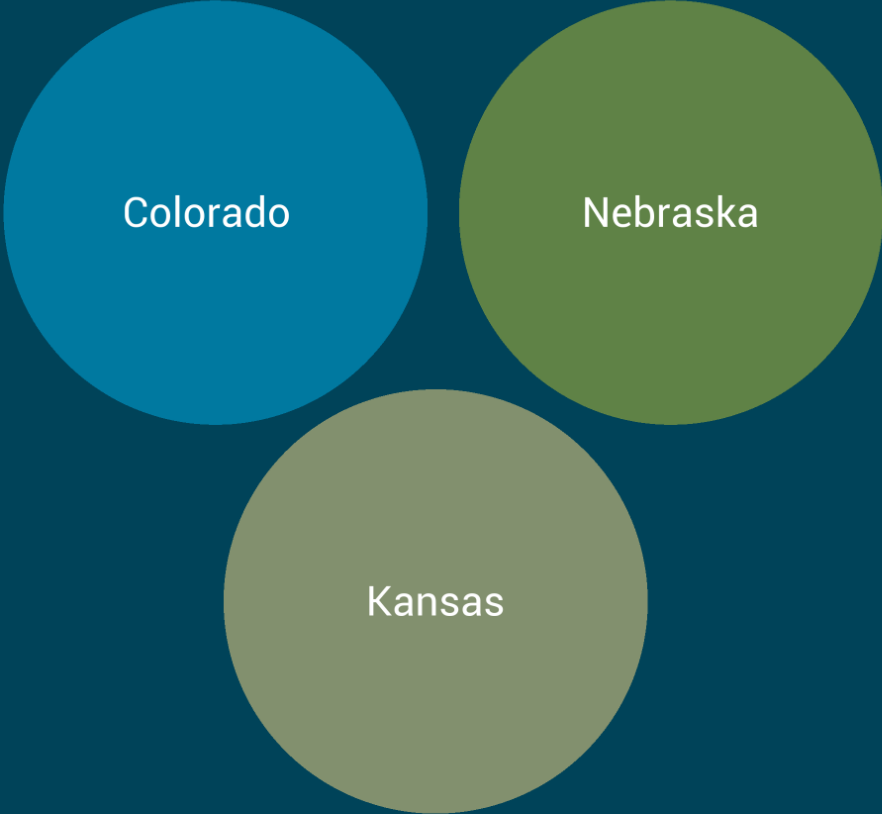
Communication Barriers



Communication Barriers



Interstate Communication



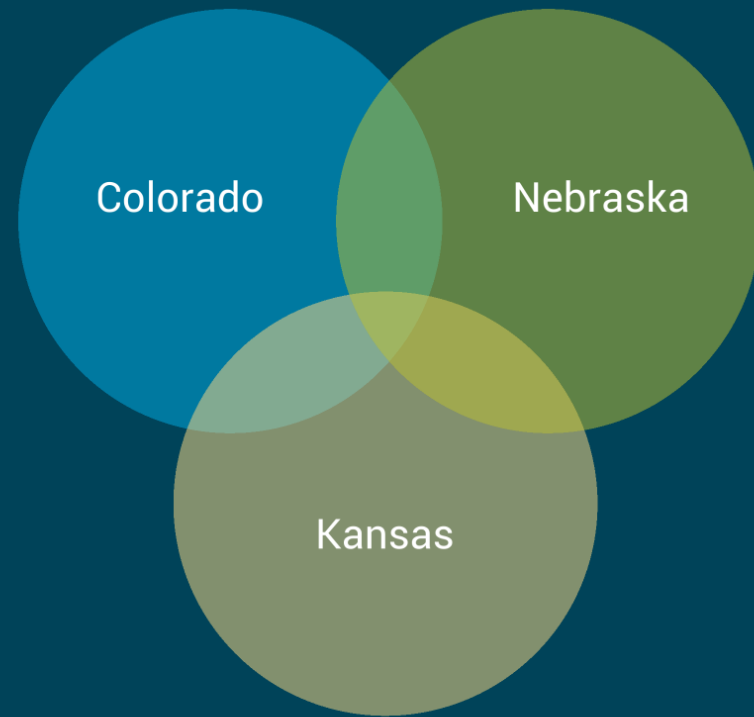
Improving Interstate Communication

"Three-States" Meetings

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



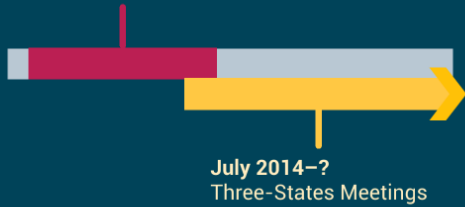
July 2014–?
Three-States Meetings



Improving Interstate Communication

"Three-States" Meetings

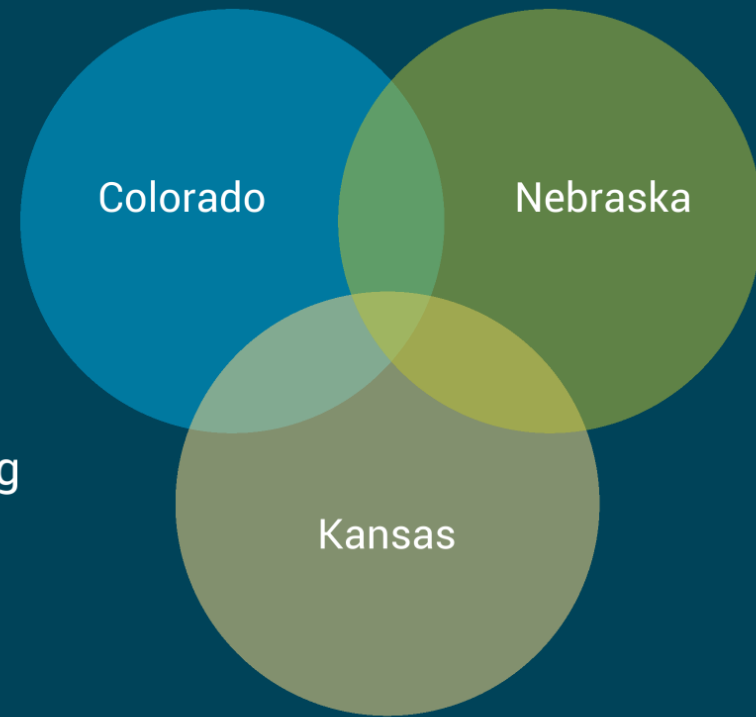
May 2010–Mar. 2015
Litigation (US Supreme Court)



July 2014–?
Three-States Meetings

Principles

- Water Users' Needs > Strict Accounting
- Transparency & Information Sharing
- Commitment to resolve key issues

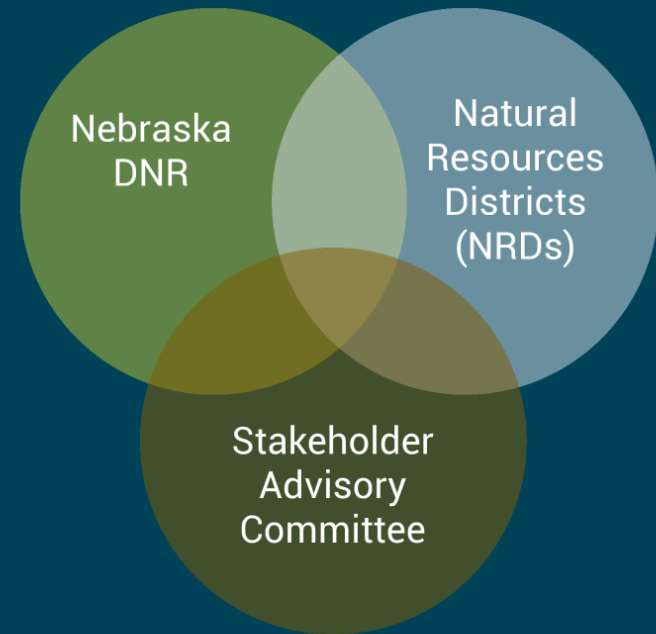


Communication Within Nebraska: Republican River Basin-Wide Plan

July 2014– Dec. 2017
5 in-state lawsuits



Mar. 2015 – June 2018
RRBWP Stakeholder Meetings

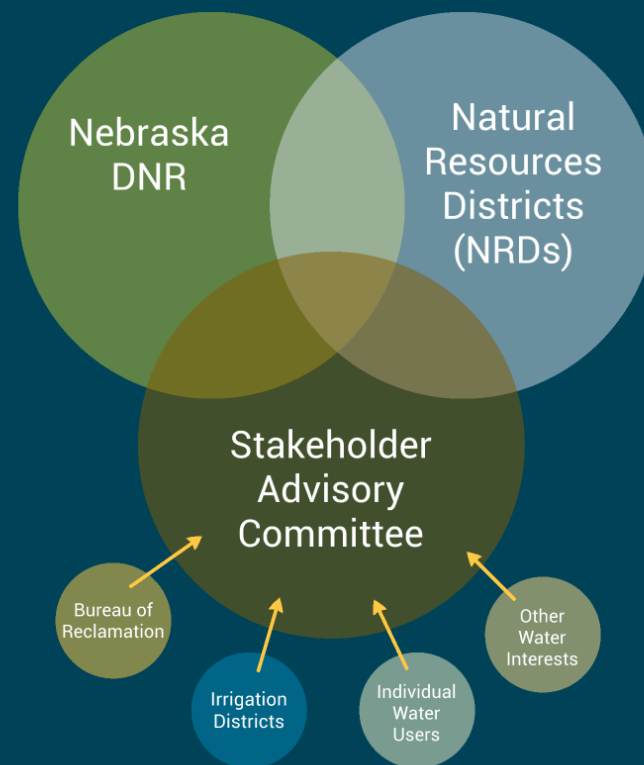


Communication Within Nebraska: Republican River Basin-Wide Plan

July 2014– Dec. 2017
5 in-state lawsuits



Mar. 2015 – June 2018
RRBWP Stakeholder Meetings



Science and Accounting

Science and RRCA Accounting

- Approve past accounting
- Develop Resolutions to guide future



Science and Integrated Management Planning

IMPLEMENTATION

Water Management Projects

Strategic Planning Actions

PLANNING AND PUBLIC PARTICIPATION

Goals and Objectives for Water Planning

Stakeholder Involvement

Water Availability and Water Shortages

Water Supplies and Water Uses

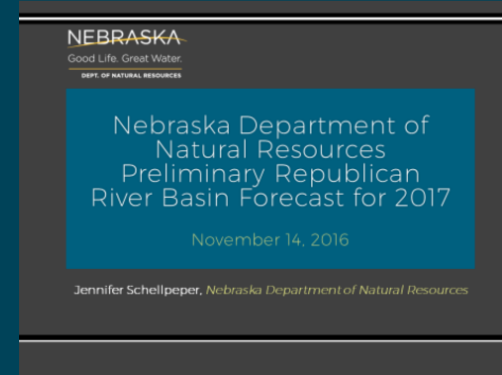
SCIENCE

Hydrologic Models, Data, and Analyses



Accounting Update Discussions

- Commitment to transparency
- Increase confidence in water supply
- More time for planning management actions



Topic Outline

- Early 2015-2016 Projection with Management Actions
- Preliminary 2015 and 2016 Accounting Results
- Early Dry-year Forecast (2017)
- Compact Call Year Evaluation Flow Chart
- Forecasted NRD Projections
- Kansas Compliance Water Request Update

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Investing in the Basin Together



Investing in the Basin Together

Science

Investing in the Basin Together

Science

Planning

Investing in the Basin Together

Science

Infrastructure

Planning

Investing in the Basin Together

Science

Infrastructure

Planning

Relationships

Investing in the Basin Together: Interstate Examples



Colorado Settlement; Nebraska intends to use its \$4 million for surface water-related projects in the basin

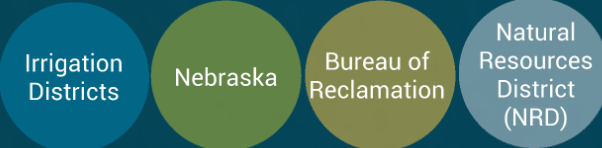

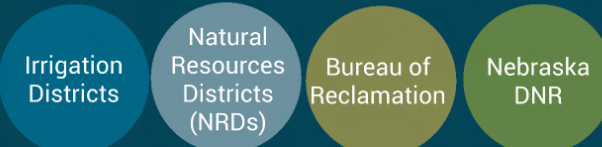


Long-term RRCA resolutions

Ongoing Three-States meetings



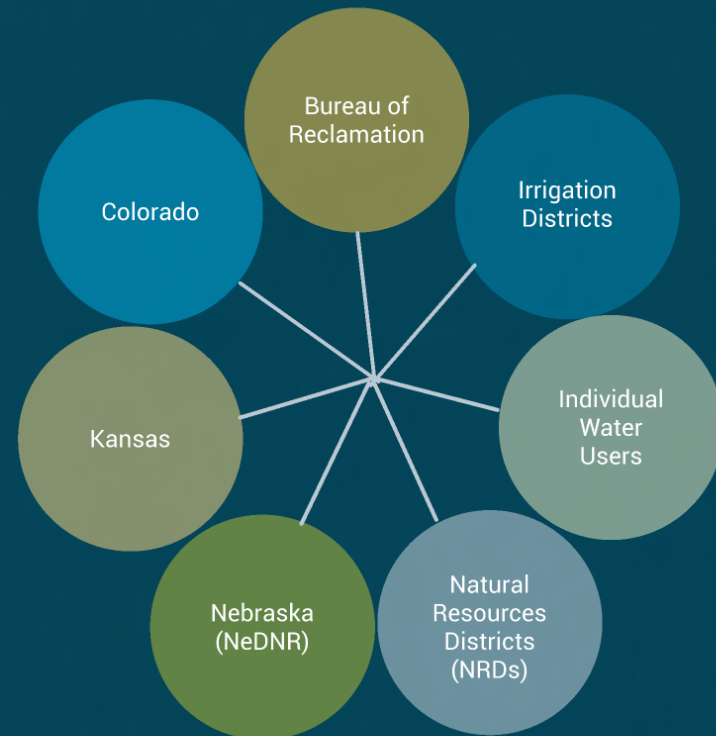
Discussions and **memorandum of agreement** on how to distribute water stored in Harlan County Lake between irrigation districts

Investing in the Basin Together: Nebraska Examples

	<p>Rubicon gate projects (for surface water delivery efficiency); includes ~\$7 million from Nebraska's Water Sustainability Fund + local match</p>
	<p>~\$20 million (state funding + local match) for future projects to reduce consumptive use, enhance streamflow, or enhance recharge</p>
	<p>Conjunctive management partnerships (FVID/MRNRD; NBID/LRNRD)</p>
	<p>Basin-Wide Plan & Integrated Management Plans</p>
	<p>Investments in soil moisture probes and other tools to help producers reduce groundwater pumping</p>

Summary

- In recent years, the basin's water managers have put considerable effort into collaborative planning and management to increase certainty for the basin's water users
- The shift in approach from litigation to cooperation has been very rapid and deliberate



Thank You

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