

LOWER REPUBLICAN
NATURAL RESOURCES DISTRICT

ORDER ADOPTING THE LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
INTEGRATED MANAGEMENT PLAN AND ASSOCIATED GROUND WATER CONTROLS

BACKGROUND

1. The Department of Natural Resources (NeDNR) and the Lower Republican Natural Resources District (LRNRD) jointly adopted an integrated management plan (IMP) in 2005, in accordance with the Ground Water Management and Protection Act, particularly *Neb. Rev.Stat.* §§ 46-715, 46-717, 46-718, and 46-720.
2. In 2008, NeDNR and the LRNRD jointly revised the IMP for the first time and subsequently adopted the second generation of the IMP.
3. In 2011, NeDNR and the LRNRD reached agreement on a second set of revisions, and jointly adopted the third generation IMP.
4. In 2015, NeDNR and the LRNRD reached agreement on a third set of revisions, and jointly adopted the fourth generation IMP to be effective on January 15, 2016.
5. On March 25, 2021, NeDNR and the LRNRD held a stakeholder meeting to receive comments on the proposed modifications to the IMP, and stakeholders from the LRNRD were also invited to provide comments on the proposed modifications to the IMP at meetings in the Upper Republican NRD and Middle Republican NRD on March 24th and 25th, respectively.
6. NeDNR and the LRNRD published a joint notice of hearing pursuant to *Neb. Rev. Stat.* § 46-743.
7. NeDNR consulted with the Nebraska Game and Parks Commission (Commission), in accordance with *Neb. Rev. Stat.* § 37-807. As stated in the Commission's response letter received on June 23, 2021, the Commission determined that the adoption of the proposed IMP would have no adverse effect on threatened or endangered species or their habitat.
8. On May 28, 2021, NeDNR and the LRNRD reached agreement to modify the IMP for a fourth time. The proposed modifications include an updated in-state accounting equation used to assess NRD compliance; changes related to the Republican River Basin-Wide Plan, including a proposed new goal; and updates related to changes in the Republican River Compact Administration (RRCA) procedures.
9. On July 8, 2021, a public hearing was held on the proposed revisions to the IMP. No comments were received at the public hearing or in writing.
10. NeDNR and the LRNRD jointly agreed to implement the IMP. This includes joint agreement on the goals and objectives of the IMP, the geographic area subject to the controls, the surface water controls adopted and implemented by NeDNR, the groundwater controls adopted and implemented by the District through the District's Ground Water Management Area Rules and Regulations, and incentive programs.

11. On August 13, 2021, the LRNRD Board of Directors voted to adopt the proposed IMP and affirmed continued use of the groundwater controls necessary for meeting the compliance standards identified in the IMP.
12. On August 18, 2021, the LRNRD sent NeDNR a letter agreeing to adopt the proposed IMP and groundwater controls.
13. On August 20, 2021, NeDNR sent the LRNRD a letter agreeing to adopt the proposed IMP and surface water controls.

GROUND WATER CONTROLS ADOPTED

Ground water controls within the LRNRD Integrated Management Plan:

1. Compliance Standards

a. Purpose

These Compliance Standards are established by NeDNR and LRNRD to assess whether the course of action taken by LRNRD, with the intention of providing their proportionate share of assistance to the State in order for the State to maintain Compact compliance, is sufficient. The action taken by LRNRD shall be evaluated in connection with the action taken by the other NRDs in the Republican River Basin and any other relevant considerations, including the information and data provided by NeDNR and past action by LRNRD.

b. Duration

These Compliance Standards shall be used to assess the action taken by LRNRD. On an annual basis NeDNR and LRNRD shall reexamine the sufficiency and effectiveness of the Compliance Standards to determine whether amendments or modifications are necessary to ensure Nebraska's compliance with the FSS, RRCA Resolutions, and Compact. Nothing contained herein shall prohibit or preclude any amendment or revision, at any time, by joint agreement of NeDNR and LRNRD, when such action is necessary. Further, nothing contained in this subsection shall be construed as eliminating the review of the provisions of this IMP as required by *Neb. Rev. Stat.* § 46-715.

c. Standards

LRNRD shall adopt and implement rules and regulations that shall ensure that the following standards are met. The standards shall be effected through the procedure described in the "Monitoring and Studies" section (page 17). The "Monitoring and Studies" section specifies a forecast and resulting actions needed at the Guide Rock compliance point (when two-year averaging is in effect) and at the Hardy compliance point in all years. The procedures for determining whether the Compliance Standards are met will be based on the RRCA Accounting Procedures and on the annual forecast as outlined in the "Monitoring and Studies" section. The Compliance Standards are:

- i. To assist with ensuring long-term Compact compliance, provide for a twenty percent (20%) reduction in pumping from LRNRD's Baseline Pumping Volume, using a combination of regulation and supplemental programs, so that the average annual groundwater pumping volume is no greater than 195,572 acre-feet over the long term.

The objective of this standard is to maintain groundwater depletions at a relatively constant level over the long-term. NeDNR and LRNRD will evaluate the trends in long-term groundwater depletions over typically wet and dry cycles and jointly assess whether additional management actions are necessary to accomplish this objective. This standard will be assessed every five years using the methodology established for MHO B of the basin-wide plan.

- ii. The Net Groundwater Depletions for LRNRD shall be no greater than the Allowable Groundwater Depletions for LRNRD (applying LRNRD's TwoYear Averaging or Five-Year Averaging Baseline Depletion Percentage as appropriate). If the Net Groundwater Depletions for LRNRD exceed the Allowable Groundwater Depletions for LRNRD, management actions will be required in the amount the Net Groundwater Depletions for LRNRD exceeded the Allowable Groundwater Depletions for LRNRD. This standard will be evaluated annually.

2. Other Controls and Management Activities

The following groundwater controls and management activities are in addition to the Compliance Standards listed above.

- a. During Compact Call Years, LRNRD will seek to implement management actions to ensure compliance with this IMP, including but not limited to, surface water leasing, groundwater leasing, and augmentation. These management actions will be implemented through the authorities granted by the Nebraska Ground Water Management and Protection Act, *Neb. Rev. Stat.* §§ 46-701 to 46-755. LRNRD will provide a letter describing the details of such management actions to NeDNR by January 31 of each year for evaluation. If NeDNR determines that the management actions detailed in LRNRD's letter are insufficient to ensure compliance with this IMP, LRNRD will implement additional groundwater controls and regulations to make up for any expected shortfall as identified in the annual forecast and described in the "Monitoring and Studies" section of this IMP. Such additional controls will include, but not be limited to, curtailment of groundwater pumping within the Rapid Response Area of LRNRD. Procedures and deadlines for compliance with this control are described in the "Monitoring and Compliance" section, beginning on page 21.
- b. When necessary to ensure Compact compliance or during Compact Call Years, LRNRD may set a one-year pumping allocation within the NRD. Such allocation will set the maximum pumping level in that year within any region or sub-region.
- c. Maintain requirements for metering of all groundwater uses according to LRNRD standards.
- d. Provide for transfers according to LRNRD rules and regulations and statutory standards.
- e. Maintain a moratorium on new uses with the exceptions noted in the FSS.
- f. Limit or prevent the expansion of irrigation uses.

ORDER

It is therefore ORDERED the Integrated Management Plan Jointly Developed by the Department of Natural Resources and the Lower Republican Natural Resources District, and ground water controls included in the plan are hereby ADOPTED and will become effective on **September 27, 2021**; thus, superseding the January 15, 2016, Lower Republican Natural Resources District Integrated Management Plan.

LOWER REPUBLICAN
NATURAL RESOURCES DISTRICT


Todd Siel, General Manager

August 24, 2021

A copy of this Order was posted on LRNRD's website – lrnrd.org. A copy of this Order was emailed on August 24, 2021, to Thomas E. Riley, P.E., Director, Nebraska Department of Natural Resources, Tom.Riley@nebraska.gov.