Nebraska Resources Newsletter

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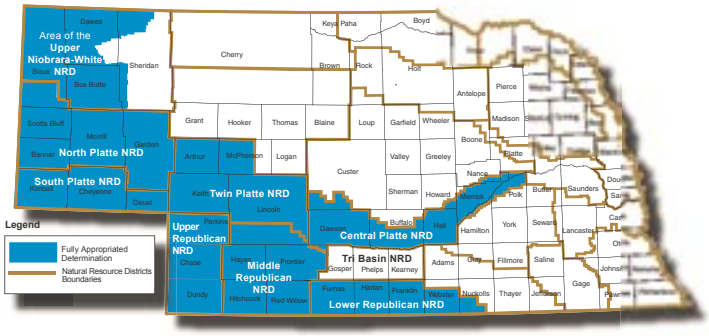
2005 LB 962 Update

By Tina Kurtz

Editors Note:This article contained an error in the printed version that has been corrected on this electronic version.

The Department has been involved in numerous LB 962 implementation related activities throughout 2005. These activities include **(1)** the continued development and/or implementation of integrated management plans (IMPs) in fully appropriated and overappropriated areas; **(2)** the development and adoption of rules stating the criteria and information to be considered when the Department makes preliminary determinations about whether additional basins should be considered fully appropriated; and **(3)** preparation of the first annual report regarding the evaluation of the remaining river basins, subbasins, or reaches in the state to determine whether they are fully appropriated.

Current Fully Appropriated Areas



All or a portion of eight natural resources districts (NRDs) have been determined to be fully appropriated. Those NRDs are the **Upper Niobrara-White NRD** (UNWNRD), the **North Platte NRD** (NPNRD), the **South Platte NRD** (SPNRD), the **Twin Platte NRD** (TPNRD), the **Central Platte NRD** (CPNRD), the **Upper Republican NRD** (URNRD), the **Middle Republican NRD** (MRNRD), and the **Lower Republican NRD** (LRNRD). Three of the Republican River Basin NRDs (URNRD, MRNRD, and LRNRD) have IMPs which have been adopted by both the respective NRD and the Department and are currently in effect. The Tri Basin NRD, while not designated as fully appropriated, is working with DNR to convert its "joint action plan" for the Republican basin portion of that NRD into an IMP. The UNWNRD, NPNRD, SPNRD, TPNRD and CPNRD have each put together a group representing various interests to function in an advisory capacity to the respective NRD Board and the Department concerning the development of the District's IMP. The groups for the UNWNRD, NPNRD, and the SPNRD have been meeting for over a year, whereas the TPNRD group has begun meeting this year. The CPNRD group will begin meeting in December of 2005. All of the meetings for each District are open to the public and are an excellent opportunity to get involved in the integrated management planning process.

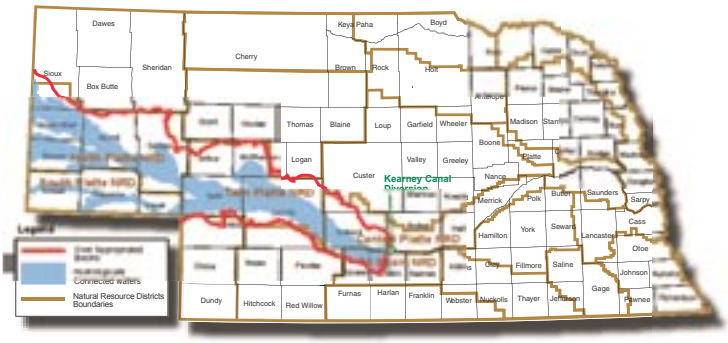
Overappropriated Areas

The **North Platte, South Platte** and **Platte River basins** down to the Kearney Canal diversion (near Elm Creek) have also been designated as overappropriated. For the ground water component of that designation, portions of the NPNRD, the SPNRD, the TPNRD, the CPNRD and the TBNRD were determined to be hydrologically connected to the surface water in that overappropriated basin. DNR and each of those districts are required by law to develop an IMP for the overappropriated

continued on page 2

area in that district. Also, DNR and the five NRDs are to work together to develop a basin-wide plan. For the development of the basin-wide plan, a group of nearly 30 people representing various interests has been put together. This group consists of representatives from each of the respective NRD IMP groups along with downstream interests. Members of the five NRD Boards and representatives of the Department are also present and participate at these meetings. This group, like each individual District IMP group,

Overappropriated Basin
(Platte River above Kearney Canal Diversion)



serves in an advisory function to the NRD Boards and the Department. To date, there have been two meetings of this basin-wide group with the next meeting scheduled for February 1, 2006. As with the individual NRD IMP group meetings, the basin-wide meetings are open to the public.

Negotiated Rulemaking Committee

The Department is required to annually evaluate each river basin, subbasin, or reach of the state which is not currently fully or overappropriated and reach a preliminary conclusion as whether such river basin, subbasin or reach presently is fully appropriated without the initiation of additional uses. The first annual evaluation is due by January 1, 2006. In order to reach this preliminary conclusion, the Department needed to promulgate rules as to what types of scientific and other information will be considered when making the preliminary determination. The Department also received a Petition that a Negotiated Rulemaking Committee be formed to develop a rule regarding the criteria to be used to make the preliminary determinations. A Negotiated Rulemaking Committee composed of representatives from a variety of interests met several times beginning in December of 2004 to try to reach consensus on the criteria and information to be used for the preliminary determinations. Consensus was reached by the group on the types of scientific and other information to be considered, but not on the criteria. Although the Department was only required to promulgate a rule related to the types of scientific and other information to be considered, the final rule contained the criteria as well. The rule, Title 457 N.A.C. Chapter 24, became effective on September 5, 2005. The full text of the rule can be found on the Department's website at **http://www.dnr.state.ne.us/LB962/Notice/FullyAppropriatedRuleFINAL.pdf** .

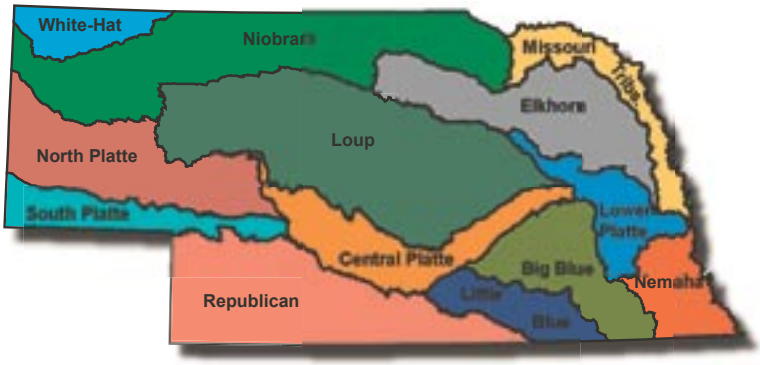
Annual Report

The evaluation of the remaining basins, subbasins, or reaches and the preliminary conclusions will be issued by the Department in an annual report. The Department must consider the best scientific and other information which is readily available when preparing the report. The specific types of information to be considered are described in the adopted rule. Many of the people in the Planning and Assistance Division of the Department have spent the year gathering and analyzing the data necessary for the report. Where numerical models, such as COHYST, are available the Department has been and will continue to use those models. The Department has contracted with USGS to develop the data necessary and to produce a model in the Elkhorn and Loup basins. Jim Cannia, the DNR staff member responsible for writing the report, has been working very closely with the NRDs, the University of Nebraska, and the United States Geological Survey to ensure that the Department uses the best scientific and other information readily available. The 2005 annual report will be issued by the end of December and will be available on the Department's website after its release.

New Fully Appropriated Determinations

The Department was able to gather enough data prior to the issuance of the report to determine that the Elkhorn River Basin, the Loup River Basin, the Platte River and its tributaries below its confluence with the Loup River, the Niobrara River Basin below the area already determined to be fully appropriated in the Upper Niobrara White NRD,

Major Nebraska River Basins



the Nemaha River Basin, all remaining tributaries to the Missouri River, and those portions of the Little Blue River Basin and Big Blue River Basin where ground water is not hydrologically connected to the Platte River, have been determined not to be fully appropriated this year.

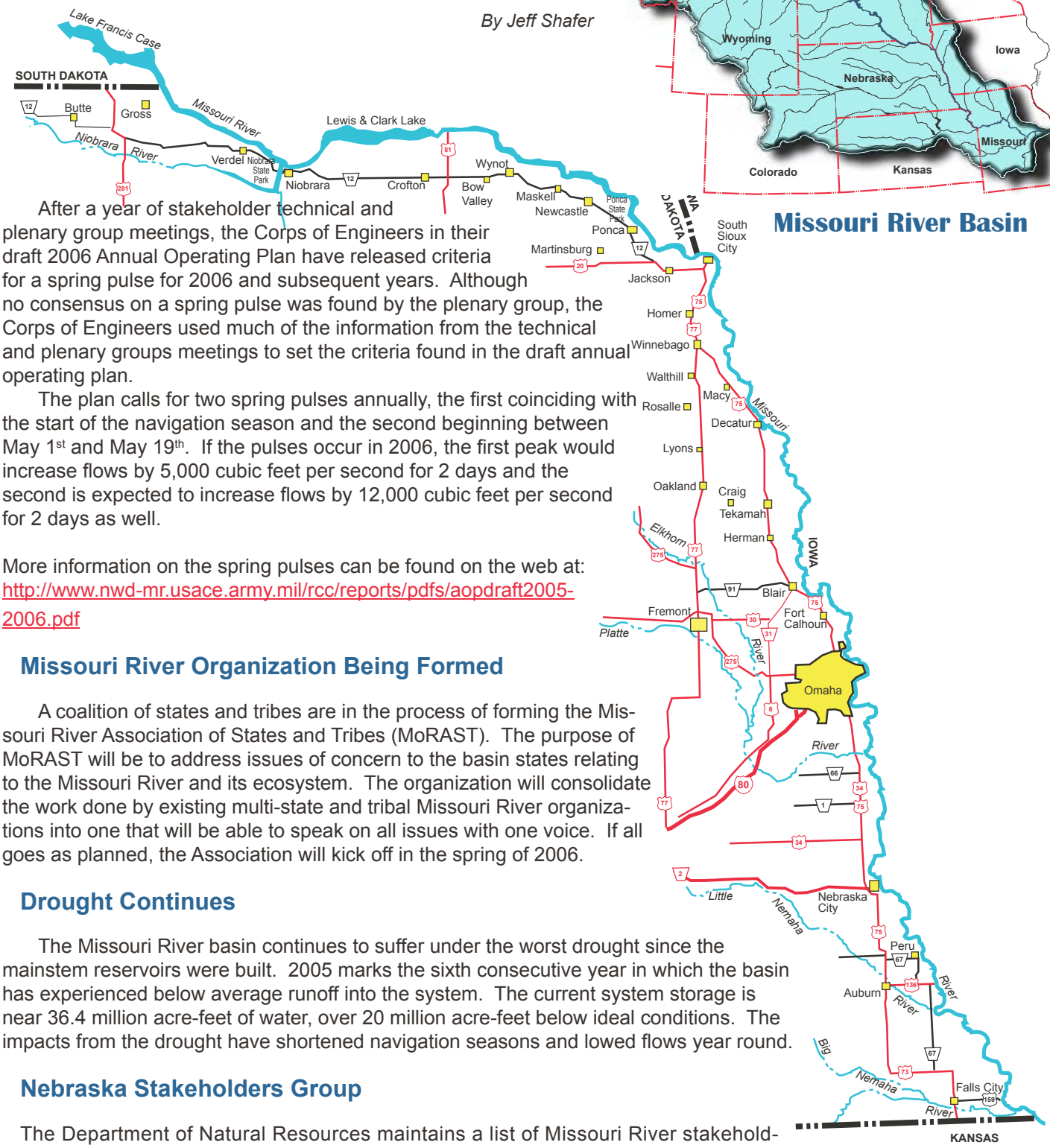
Additional information related to LB 962, the integrated management planning process, the Negotiated Rulemaking Committee, the rule on the criteria for preliminary fully appropriated determinations and information considered, and the 2005 annual report can be found on the DNR website at **http://www.dnr.state.ne.us** .

Missouri River News

Missouri River Spring Pulse Set in Annual Operating Plan

By Jeff Shafer

Missouri River Basin



After a year of stakeholder technical and plenary group meetings, the Corps of Engineers in their draft 2006 Annual Operating Plan have released criteria for a spring pulse for 2006 and subsequent years. Although no consensus on a spring pulse was found by the plenary group, the Corps of Engineers used much of the information from the technical and plenary groups meetings to set the criteria found in the draft annual operating plan.

The plan calls for two spring pulses annually, the first coinciding with the start of the navigation season and the second beginning between May 1st and May 19th. If the pulses occur in 2006, the first peak would increase flows by 5,000 cubic feet per second for 2 days and the second is expected to increase flows by 12,000 cubic feet per second for 2 days as well.

More information on the spring pulses can be found on the web at: http://www.nwd-mr.usace.army.mil/rcc/reports/pdfs/aopdraft2005-2006.pdf

Missouri River Organization Being Formed

A coalition of states and tribes are in the process of forming the Missouri River Association of States and Tribes (MoRAST). The purpose of MoRAST will be to address issues of concern to the basin states relating to the Missouri River and its ecosystem. The organization will consolidate the work done by existing multi-state and tribal Missouri River organizations into one that will be able to speak on all issues with one voice. If all goes as planned, the Association will kick off in the spring of 2006.

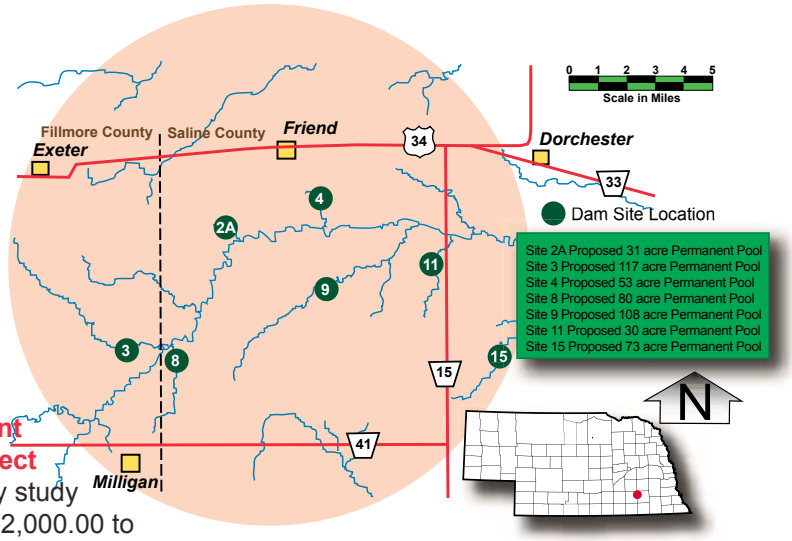
Drought Continues

The Missouri River basin continues to suffer under the worst drought since the mainstem reservoirs were built. 2005 marks the sixth consecutive year in which the basin has experienced below average runoff into the system. The current system storage is near 36.4 million acre-feet of water, over 20 million acre-feet below ideal conditions. The impacts from the drought have shortened navigation seasons and lowed flows year round.

Nebraska Stakeholders Group

The Department of Natural Resources maintains a list of Missouri River stakeholders and periodically meets with them to discuss Missouri River issues. If you are not on our list and would like to be invited to the stakeholder meetings or receive information, please e-mail Jeff Shafer at jshafer@dnr.state.ne.us to be added to the list.

Funding Approved for the *Lower Turkey Creek Watershed Project*



By Tom Pesek

At its November 17, 2005, meeting, the Natural Resources Commission approved state funding assistance through the **Nebraska Resources Development Fund** for the Lower Turkey Creek Watershed Project. The Commission approved **a grant of $3,565,200.00 or 60% of the total estimated project cost of $5,942,000,** including the cost of the feasibility study ($255,000.00). The Commission also obligated $1,312,000.00 to the project so work on the project can begin immediately.

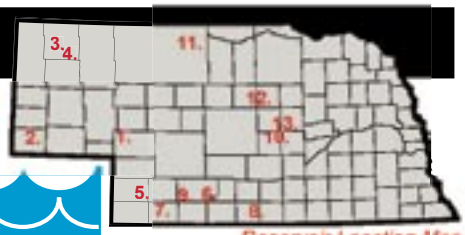
This flood control **project consists of seven floodwater retarding structures** (earthen dams) that will have conservation pools ranging from 30 to 117 acres in size. Two additional culverts and the addition of flap gates to some existing culverts will be installed in DeWitt.

Flood damage reduction benefits relating to agricultural lands, county roads and bridges, and urban properties in DeWitt will result from this project. Saline and Fillmore counties were very involved with project planning and area landowners have shown strong support for the project.

The table below shows the capacity, maximum storage level reached during **Water Year 2005** (October 1, 2004-September 30, 2005), and carryover at the end of September 2005, for 15 reservoirs, 13 of which are located in Nebraska.

Reservoir Storage Comparison for Water Year 2005

(October 1, 2004-September 30, 2005)



Reservoir Location Map

Reservoir		Capacity: Top of Irr. Pool in Acre-feet	Maximum Storage (for Water Year 2005): Acre-feet	Maximum Storage: % Average	Carryover September 30, 2005: Acre-feet	Carryover: % Average
Pathfinder (ownership)	a	1,016,510	905,201	101%	402,055	101%
Glendo (ownership)	a	184,870	69,817	43%	53,981	41%
1.Lake MacConaughy	a	1,948,000	658,000	41%	443,042	35%
2.Oliver *(no irr. water stored)*	b	2,680	1,329	52%	1,031	55%
3.Whitney	a	10,000	10,880	105%	6,242	146%
4.Box Butte	a	31,060	15,169	79%	6,034	116%
5.Enders	a	44,480	12,981	38%	11,275	69%
6.Harry Strunk Lake	a	37,140	36,707	91%	21,007	93%
7.Swanson Lake	a	120,160	40,193	38%	35,714	56%
8.Harlan County Lake	a	342,560	141,360	43%	131,834	54%
9.Hugh Butler Lake	c	37,780	21,630	65%	19,585	77%
10.Sherman	d	69,080	69,940	103%	33,280	72%
11.Merritt	e	74,490	69,110	93%	42,000	86%
12.Calamus	f	127,400	123,900	105%	66,860	93%
13.Davis Creek	g	32,459	31,310	106%	9,930	76%
		Capacity	Maximum Storage		Carryover	

Records used for averages
a 1960-2005, b 1981-2005, c 1962-2005, d 1963-2005, e 1964-2005, f 1985-2005, g 1994-2005

Nebraska Resources Development Fund Guidelines Being Revised

By Tom Pesek

The ***NRDF Guidelines*** have been developed to assist project sponsors with the preparation and submission of information necessary to apply for state funding assistance through the Nebraska Resources Development Fund. The Legislature established this fund to assist with the development of local water and related land resources projects in 1974. Since that time **68 projects have been approved for state funding totaling nearly $81,000,000**.

The Guidelines have been periodically revised with the last revision in 2000. Other state agencies that take part in the review of NRDF projects and the 23 NRDs will again be involved in the current revision. It is hoped that the revised *Guidelines* will be more user-friendly. They should be published next summer.

2005 State of Nebraska Employee & Supervisor/Manager of the Year Awards

Since 1985, state government, on behalf of the Governor's Office, has sponsored a recognition program honoring both exceptional employees and career service employees. Governor Heineman proclaimed the month of October 2005, as State of Nebraska Employee Recognition Month and a ceremony honoring the Employees/Managers of the Year was held in the State Capital Rotunda on October 24, 2005. In addition to that ceremony several Length of Service ceremonies were held across Nebraska during the month of October honoring employees for length of service to the State of Nebraska.

Receiving the **Supervisor-of-the-Year Award** for the Nebraska Department of Natural Resources was **Brad Edgerton**, a 22-year employee with the department.

Brad is the supervisor of the Cambridge Field Office located in southwestern Nebraska in the Republican River Basin. Brad and three other employees of the Cambridge Field Office spent most of their time this past year doing water investigation map transfers, meeting with local irrigation districts and irrigators of the area, stream gaging, gage construction, administering water rights and gathering surface water and related data. The Republican Basin, along with most of the state has been experiencing drought conditions over the past several years and the area and its waters are very important in keeping in compliance with the Republican River Compact, as are Brad's responsibilities.

Brad enjoys working outdoors, contact with the variety of people he meets and the diversity of the Republican River Basin from one end to the other. According to Brad, "they (people in his area) have mother nature to deal with so most people are use to dealing with difficult situations. A big challenge is going to be collecting needed water related data in a timely manner and keeping folks informed. It's tough on the people of this area to make the needed adjustments." Dislikes of Brad are few but include "a dry Republican River and having to pull up to an irrigator on a hot day in the middle of the summer and notifying him that water isn't there to irrigate with, he's done irrigating, that's hard on both of us. Bring on the rain, we're ready, we really need it."

Brad was born near Beatrice, Nebraska but grew up in the Cambridge area where he works. Married for 26 years to his wife, Sherri, they have three daughters. Brad enjoys the outdoors, sports, racing cars and admiring old cars.

Brad is a real asset to the department especially in his dealings with people. His job can be difficult but his manner in dealing with others helps people to understand the total picture a little better.

Receiving the **Employee-of-the-Year Award** for the Department of Natural Resources was **Jennifer Schellpeper**, a 5-plus year employee with the department. Some of Jennifer's agency responsibilities include gathering and preparing data on the North Platte River Basin in Wyoming for research and study and implementing administrative procedures along with making sure rules and provisions set under the North Platte Decree are respected and followed.

Jennifer and her husband of 13 years, Brandon, live in Lincoln. Jennifer enjoys the outdoors, camping and hiking, gardening, yoga, meditation and large family gatherings. She attended a one room K-6 Nebraska school and grew up on a family farm. In the future Jennifer would like to travel more having visited Greece she truly enjoyed the experience of learning about other cultures. On her adventurous side Jennifer would like to try skydiving and bungee jumping in the future.

Jennifer's skills and hard work have helped the department tremendously. She is always willing to assist others and spend extra time to help meet deadlines and accomplish goals.

The Department staff, and state would like to congratulate both of these exceptional people on their awards and for their continued outstanding service to Nebraska and its citizens.

Recognition photographs by Robert Thompson, DAS Materiel

Employees recognized with

Length of Service Awards

Mary Kreiner	10 Years
Dennis Hurtz	10 Years
Terry Green	15 Years
Lenny Beall	15 Years
Jill Richters	20 Years
Rich Kern	30 Years
Lynne Koehne	35 Years
Mahendra Bansal	35 Years
John Mendlik	35 Years
Jim Cook	35 Years
Gayle Starr	40 Years

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Nebraska Department of Natural Resources....
....dedicated to the sustainable use and proper management of the State's natural resources.