

Subject: FW: Nebraska's documents for the 12/11/12 RRCA Special Meeting
Attachments: 20121210_Aug_Plan_For_RRCAMeeting.docx

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From: Paeglis, Laura
Sent: Monday, December 10, 2012 5:59 PM
To: Beightel, Chris; Juricek, Chelsea; Ivan.Franco@state.co.us; Ross, Scott; Bradley, Jesse; Schneider, Jim
Cc: Fergel, Sherry; Dunnigan, Brian; Dick.Wolfe@state.co.us; David Barfield (david.barfield@kda.ks.gov); Lavene, Justin
Subject: Nebraska's documents for the 12/11/12 RRCA Special Meeting

Good evening!

Nebraska has prepared two documents for tomorrow's meeting. Attached please find those documents with a map marked Figure 1.

Laura M. Paeglis
laura.paeglis@nebraska.gov
402.471.2366 (direct)

Outline for Augmentation Plan to RRCA

I. Background on Augmentation in the FSS

The Final Settlement Stipulation (FSS) expressly recognizes augmentation as a management tool to facilitate Republican River Compact compliance. Augmentation is mentioned in three locations throughout the FSS. The first, Subsection III.B.1.k, states that the moratorium on new wells shall not apply to the following:

*Wells acquired or constructed by a State for the sole purpose of offsetting stream depletions in order to comply with its Compact Allocations. Provided that, such Wells shall not cause any new net depletion to stream flow either annually or long-term. The determination of net depletions from these Wells will be computed by the RRCA Groundwater Model and included in the State's Computed Beneficial Consumptive Use. **Augmentation plans** and related accounting procedures submitted under this Subsection III.B.1.k. shall be approved by the RRCA prior to implementation.*

The second and third references to augmentation occur in Section IV. Subsection IV.A. states:

*The States will determine Virgin Water Supply, Computed Water Supply, Allocations, Imported Water Supply Credit, **augmentation credit** and Computed Beneficial Consumptive Use based on a methodology set forth in the RRCA Accounting Procedures, attached hereto as Appendix C.*

There presently are no “methodologies” set forth in the RRCA Accounting Procedures to determine the augmentation credit referenced in Subsection IV.A. However, Subsection IV.H. states:

***Augmentation credit**, as further described in Subsection III.B.1.k., shall be calculated in accordance with the RRCA Accounting Procedures and by using the RRCA Groundwater Model.*

Taken together, these references suggest the following minimal requirements:

1. If the project involves the acquisition or construction of augmentation wells in the moratorium area, those wells may not cause a “new” net depletion either annually or over the “long-term”.
2. The RRCA Groundwater Model will be used to determine the extent of any net depletion and whether such net depletion is “new”.
3. The RRCA Accounting Procedures will be revised to reflect the appropriate methodology for calculating the augmentation credit.

4. The RRCA Groundwater Model will be used to calculate the credit, assuming, of course, that the project involves an activity that influences groundwater CBCU or the IWS Credit.
5. The RRCA must approve any augmentation plan and related accounting procedures before a state may receive “augmentation credit” for the project, beyond the effect of simply increasing water supply, which will manifest itself in the current RRCA Accounting Procedures.

The States elaborated on these concepts before Special Master McKusick in 2003. See Transcript at 81-3; id. at 16-17. Using the example there provided, a State would be entitled to claim as an “augmentation credit” all water over and above the historic depletion to streamflow, which must be offset first as part of an augmentation project.

II. Baseline Conditions of the Project Area

This section describes the current conditions of the project area.

A. Current Uses of the Project Area

Current acreage

Current number of wells

Map of the area

B. Groundwater Pumping Under Baseline Operations

Meter data

Consumptive use estimates/Recharge

III. Operational Aspects of the Project

This section describes the expected operations of the project once implemented.

A. Conceptual Description of Project Operations

Period of operation

Augmentation delivery point

B. Groundwater Pumping Under Project Operations

Pumping schedule and volumes under the project

Recharge modifications

IV. Groundwater Modeling Analysis of the Project

This section describes the evaluation of the groundwater CBCU to assess the net impact of the project operations on streamflows of the Republican River Basin.

A. Groundwater Depletions Under Baseline Conditions

Depletions under baseline operations historically and projected into the future

B. Groundwater Depletions Under Project Operations

Depletions under the new project operations

C. Net Groundwater Depletions Under Project Operation

No new net depletions either annually or long-term (FSS III.B.1.k)

V. Accounting Procedures Modifications for Crediting the Project

This section describes the modifications to the RRCA Accounting Procedures needed to determine the augmentation credit to be provided in conjunction with the augmentation project.

A. Modifications to the Accounting and Reporting Procedures

Draft of strike-through edits to accounting procedures

Modifications to reporting requirements to include data related to project operations pumping