Republican River Basin-Wide Plan
Stakeholder Advisory Meeting Minutes
August 16, 2016 | Community Center; Cambridge, Nebraska

Stakeholder Advisory Committee members in attendance were:

Mike Delka
Brad Edgerton
Troy Fletcher
Josh Friesen
Wayne Haarberg
Dick Helms
Robin Hinrichs
William (Bill) Hoyt
Max Kaiser
Jim Kent
Bradly Knuth
Jerry Kuenning
Kent Lorens
Jeff Loschen
Gale Lush
Frank Albrecht
for Timothy McCoy
Cedric McDaniel
Dan Nelson
Dave Oxford
Roric Paulman
John Rundel
Richard Siel
Daniel Smith
Shad Stamm
Glenn Taubenheim
Craig Scott
for Aaron Thompson
Ted Tietjen
Marcia Trompke

Plan Development Team members in attendance were:

John Thorburn
Mike Clements
Tatiana Height
Sylvia Johnson
Jack Russell
Nate Jenkins
Jeff Fassett
Carol Flaute
Jennifer Schellpeper
Amy Zoller
Beth Eckles
Phyllis Johnson
Scott Dicke
Emily Bausch
Karen Griffin

Individuals from the community present during the meeting included:

Dustin Wilcox
Jean Eichhorst
Dale Cramer
Rick Spencer
Don Felker

Note: See Attachment A for a copy of the sign-in sheets.

NOTICE OF THE MEETING

Notice of the meeting was published on the Department of Natural Resources web site (dnr.nebraska.gov). Notices were also published in the Holdrege Daily Citizen, McCook Gazette, Hitchcock County News, Imperial Republican, and the Times Republican.

INFORMATIONAL MATERIALS

The following informational materials were distributed to stakeholders:

- June 21, 2016, draft meeting minutes
- January 19, 2016, draft meeting minutes
- March 15, 2016, draft meeting minutes
- Draft summary of July 2016 coordination meeting
- Meeting agenda
- Draft guidance document
- Allocations discussion figure
- Challenges and opportunities activity
- Timeline of remaining meetings
- URNRD Rules Timeline
- Maps of 10/5 area, 10/50 area, NRD's, surface water basin area, compact accounting model boundary, and basin-wide plan area.

1. WELCOME

- Jennifer Schellpeper, NeDNR, welcomed everyone and reviewed the agenda, which was approved by the group, stated that this meeting is subject to the Nebraska Open Meetings Act, and indicated where a copy of the Act was present in the room.
- John Thorburn of Tri-Basin NRD gave updates on the proposed Platte-Republican Diversion Project. He expects that a decision on whether or not to move forward will be made in December, following conclusion of a feasibility study.
- Schellpeper reviewed the current status of past meeting minutes. The stakeholders were notified that the January 2016 and March 2016 draft meeting minutes had been updated following prior feedback, and as stakeholders had provided no additional feedback following those revisions, they are now considered final and will be posted online. Following this meeting, Stakeholders will have 15 days to review and comment on the June 2016 meeting minutes prior to their finalization.

2. Group Guidance Document

- Schellpeper provided a general overview of the draft Stakeholder Advisory Committee Guidance Document (Attachment B), noting the purpose of the Guidance Document and that it was created based upon input from the stakeholders at previous stakeholder meetings.
- The group discussed and made decisions related to some specific sections of the draft Guidance Document:
    - *Public Hearing, Revisions, and Adoption.* Schellpeper explained how this process works, and what stakeholders' role would be in the process. A stakeholder expressed concern about the length of this potential revision process, and suggested that there be no more than two additional stakeholder meetings to discuss potential changes that may result from a hearing, and the group discussed whether this was necessary. It was decided not to set a cap on

potential post-hearing meetings at this time, but to address it later if it is determined post-hearing that changes are needed.

- *Statutory Roles and Responsibilities*. This section states who is a party to the plan development and agreement process. Schellpeper emphasized that members of the general public are not a decision-making party to the plan development process.
- *Meeting Times and Location*. Schellpeper reviewed the timeline that would be necessary in order to complete plan development within the group's preferred one year completion date. The schedule of proposed additional meetings has been set to fit within the existing timeline while reducing schedule conflicts with harvest, holidays, and planting. Schellpeper distributed a more detailed Timeline document (Attachment C), which includes details of what would need to be accomplished at each remaining meeting to meet the target deadline. In order to maintain progress, decisions made by the group at each meeting will be incorporated into draft plan language by NeDNR and the NRDs and reviewed by stakeholders at each following meeting.
- *Stakeholder Committee's Role*. The stakeholders discussed whether all stakeholders will get to vote on the final plan, or whether there should be a threshold of participation in order to be able to vote, such as attendance at all stakeholder meetings. Some stakeholders suggested that all stakeholders should be able to vote, regardless of whether they have regularly attended meetings, because even members who do not regularly attend have access to all of the meeting documents via email. It was clarified that "all members" means all of the original members, who wrote in, requesting to serve on the committee. **Stakeholders voted to allow all stakeholders the ability to vote.**
- *Decision Making by the Stakeholder Committee*. A stakeholder asked whether the stakeholder committee would see suggestions submitted by other members between meetings. Schellpeper answered that the questions submitted will be included in the conversation when they are in the context of future stakeholder meeting agendas.

- There was a lengthy discussion about the geographic area of the plan.
  - Schellpeper distributed maps (Attachment D) showing NRD boundaries (i.e., where NRDs have legal authority to regulate groundwater), the portion of the Republican River surcace water basin that is within Nebraska (i.e., where NeDNR has legal authority to regulate surface water), the portion of Nebraska within Republican River Compact accounting model boundary (i.e., the area taken into account when calculating Nebraska's water use and allocation under the Compact), the 10/5 area (i.e., the area where wells can be shut off if needed for Compact compliance under the current IMPs), the 10/50 area (i.e., the hydrologically connected area, as defined by NeDNR rules, and where statute requires that this plan would apply), and a map combining all of these areas. Schellpeper concluded that while statute requires that this plan apply to the 10/50 area, this plan can make recommendations outside the 10/50 area if that is what everyone agrees on.

- Stakeholders requested the following information:
    - The number of irrigated acres within the 10/5 area within each NRD
    - A groundwater contour map
    - The number of irrigated acres within the 10/50 area
    - The number of acre-feet of water attributed to evapotranspiration of riparian vegetation as represented in the RRCA Model.
- Other questions from stakeholders and answers given included:
    - When were the IMPs changed from using the 10/2 area for rapid response to using the 10/5 area? Answer: it was decided by Upper Republican, Middle Republican, and Lower Republican NRD board members when updating their IMPs last year.
    - If the groundwater level does not decline within the 10/50 area, would there still be a 10% stream depletion within 50 years? Answer: groundwater level is not the only contributor to stream depletion. Stream depletion due to pumping is about how much less water is in the stream than would have otherwise been if you hadn't pumped.
    - Does the Platte basin-wide plan distinguish between the 10/50 area and the rest of the Basin? Answer: theirs uses the 28/40 area because the 10/50 rule was not in place when that plan was developed, but it is the same general concept. The Platte Basin-Wide Plan applies to the hydrologically connected area; each Platte IMP applies to an entire NRD.
- Additional stakeholder suggestions and viewpoints:
    - Suggestions in support of the idea that the plan should only apply to the 10/50 area but may make recommendations outside the 10/50 area.
        - The plan area of this plan should be consist with the plan area of the Upper Platte basin-wide plan, which does not apply to the full basin.
        - The hydrologically connected area is specified in statute. NeDNR rules define the hydrologically connected area as the 10/50 area.
        - The hydrologically connected area is where management actions will have the fastest impact, so it is where you will get the most bang for your buck.
        - Looking at areas with other problems or concerns (e.g., severe groundwater depletions or areas affected by the Mound) may be trying to accomplish too much with this plan; this plan should focus on stream depletions from within the 10/50 area.
        - Consider management actions for the entire basin, but recognize that actions outside the 10/50 will not have an immediate impact.
        - Remember that there are also other regulatory tools available (i.e., IMPs and groundwater rules and regulations) that can address problems outside the 10/50 area.
    - Suggestions in support of the idea that the plan should apply to and focus on the full basin

            - The plan should include protection for parts of the basin that are outside of the hydrologically connected area but that are dependent on water from the Platte River via the Mound.
            - This plan should treat wells in areas with severe groundwater depletions the same as wells within the 10/50 area.
            - The system of correlative groundwater rights that we have in this state say that we are all in this together.
            - Statute says "hydrologically connected." Everything in the basin is technically hydrologically connected.
        - Suggestions in support of the idea that the plan should apply to the entire RRCA model area
            - The Supreme Court has recognized the RRCA groundwater model, which includes all wells extending beyond the Basin's borders; this plan area should therefore match the model area.
            - Every well in the model area affects Compact compliance, so every well in the model area should be accountable in this plan
    - During this discussion, **stakeholders voted on two different options for the plan area**. **Neither option passed.**
        - **The plan will apply to the 10/50 area, but the group can still discuss and make recommendations outside the 10/50 area. Following the vote and resulting discussion, there remained 4 "no" votes. Motion not passed.**
        - **The plan will make recommendations for the entire basin, but acknowledge there is a 10/50 area that could be treated differently and regognizing that we would see more results from actions in the 10/50 area. Following the vote and resulting discussion, there remained 8 "no" votes. Motion not passed.**
    - Two options were presented for moving forward. The group could (a) revote on a more defined description of the plan area, or (b) allow the NeDNR and NRDs to draft proposed language to be voted on at the next meeting. The second option was selected. Also, **the group voted to table the vote on plan area until obtaining a legal opinion.**
- During the discussion of plan area, it was brought up by stakeholders several times that the group may need to reconsider the consensus voting because three or four hold-outs ought not be able to change the decision for the whole group. Others expressed that the group had already decided on a voting method and should stick with that method. Someone suggested that the matter be voted on again, but it was decided not to vote on the matter again at this time.

3. Challenges and opportunities

- Proposed Actions
    - Two handouts were distributed for this discussion (Attachment E):

        - "Republican River Basin-Wide Challenges," which shows stakeholder responses to the Challenges and Opportunities activity from the August 2016 stakeholder meeting in the order they were given at that meeting
        - "Proposed actions for August 2016 Stakeholder Advisory Committee meeting," which lists the same items, reordered for discussion, with additional language (with green or purple background)
    - Schellpeper reviewed the "Proposed Actions" document and explained how the items were reordered as a proposal for how to move forward with discussion on these topics. Stakeholders agreed that the items proposed as needing further discussion should be discussed further, and that the item identified as a prior decision had already been addressed. Discussion turned to the green section of the "Proposed Actions" handout, which includes items of general agreement from the Challenges and Opportunities activity from the August 2016 stakeholder meeting, and Schellpeper proposed that these were areas of general agreement about which NeDNR and the NRDs could begin drafting plan language.
        - **The stakeholders voted on whether the items in green on the "Proposed Actions" handout could be sent to NeDNR and the NRDs to draft plan language. There was one "no" vote, by a stakeholder who objected to "the Plan will ensure compliance with controlling statutes and laws while minimizing the burden on water users." This language was changed to "the Plan will follow the law while minimizing the burden on water users." Following the change in language, the "no" vote was changed to "affirmative," and all other "affirmative" votes remained. Motion passed.**
        - **The stakeholders voted to proceed with further discussion on the items in blue on the "Proposed Actions" handout, following the clarification that this vote would not limit discussion to only those items.**
- Allocations
    - To begin moving forward on some of the items in blue on the "Proposed Actions" handout, discussion moved on to the topic of allocations. Amy Zoller, NeDNR, pointed out that the plan does not have to address allocations, but it can.
    - Each NRD and Irrigation District manager described the allocations system set by each District's board. A summary is provided in Attachment F. Stakeholders had the opportunity to ask questions about each District's system. Questions were also asked about NeDNR's role in surface water management and surface water allocations.
    - Stakeholder discussion:
        - Positive comments about the current allocation system included that the existing allocation system is flexible based on location, and that having different allocations allows them to respond to complex differences. Some stakeholders expressed that it would not make sense to include basin-wide allocations in the plan because allocations should be left to the NRDs.

- Complaints about the current allocation system (which is set independently by each District) included that there is less water available now than previously, that use upstream reduces water availability downstream, and that allocations are currently based on delivery rather than depletions. Others expressed that basin-wide allocations should be considered to ensure that all share in the Compact compliance burden and to ensure sustainability.
- Someone pointed out that allocations should not be addressed because there is not a unified opinion on why allocations need to be addressed: some people want to address allocations for compliance, some for groundwater depletion, and others to get more water for patrons.
- A groundwater user pointed out that he did not feel he was educated enough about surface water use to make surface water allocation decisions. Similarly, some stakeholders pointed out that not enough is currently known to be able to set allocations at the level needed to balance depletions.

4. Parking Lot

When members of the group brought up topics that should be addressed, but best discussed at another time, they were written down, and added to the "Parking Lot" for future discussion. As of the end of the meeting, items in the Parking Lot included:

- Delineation of the basin-wide plan's geographic area (Legal opinion).
- Definition of sustainability
- NeDNR model information
- Dr. Goeke speaking to the group
- History of legislation

5. PUBLIC COMMENTS

There were no public comments.

6. STAKEHOLDER COMMENTS

- Mike Delka presented to the stakeholders. He asked, how can allocations and Compact compliance fit together, when allocations are usually made on a five-year basis, but Compact compliance is measured on a two-year basis? He suggested that the group needs to know what Nebraska's total dry year water supply is, with no river flow, and use that to define how allocations are set. It needs to be a scientific approach. Delka distributed a handout containing his suggestions for a starting point for this information (Attachment G)

7. NEXT MEETING

On behalf of the entire basin-wide plan development team, including the four NRDs and NeDNR, Schellpeper thanked the stakeholders for attending and participating in this process. The next meeting will be held at the Cambridge Community Center from 10:00 am to 3:00 pm on November 1st, 2016.

Project Website = http://dnr.nebraska.gov/RRBWP/

ATTACHMENT A

Sign-in sheets

STAKEHOLDER ATTENDANCE RECORD
Republican River Basin-Wide Plan
August 15, 2016, 10:00 AM
Community Center -Cambridge, NE

Attachment A

NAME	SIGNATURE	EMAIL	PHONE NO.
Jared Baker		[redacted]	[redacted]
Kurt Bernhardt			
Mike Delka	Mike Delka		
Brad Edgerton	Brad Edgerton		
Jerry Ehrke			
Chris Flaming			
Troy Fletcher	Troy Fletcher		
Josh Friesen			
Mike George			
Wayne Haarberg	Wayne Haarberg		
Dale Helms			
Dick Helms	Dick Helms		
Robin Hinrichs			
Bill Hoyt	Bill Hoyt		
Michael J. Kahrs			
Max Kaiser	Max Kaiser		
Curtis Kayton			
Jim Kent	Jim Kent		
Bradly Knuth			

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STAKEHOLDER ATTENDANCE RECORD
Republican River Basin-Wide Plan
August 15, 2016, 10:00 AM
Community Center -Cambridge, NE

Attachment A

NAME	SIGNATURE	EMAIL	PHONE NO.
Jerry Kuenning		[redacted]	[redacted]
Kent Lorens			
Jeff Loschen			
Gale Lush			
Scott Lutz			
Timothy McCoy			
Cedric McDaniel			
Dan Nelsen			
Dave Oxford			
Roric Paulman			
John Rundel			
Nate Schneider			
George Schortberger			
Richard Siel	Rich Siel		
Kevin Slocum			
Steve Smith			
Daniel Smith			
Shad Stamm			
Glenn Taubenheim			

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STAKEHOLDER ATTENDANCE RECORD
Republican River Basin-Wide Plan
August 15, 2016, 10:00 AM
Community Center -Cambridge, NE

Attachment A

NAME	SIGNATURE	EMAIL	PHONE NO.
Aaron Thompson	Craig Scott	[redacted]	[redacted]
Ted Tietjen			
Marcia Trompke			
Dack Vesta			
Jerda Garey Vickers			
Tom Vickers			
Todd Watson			
	PUBLIC		
Karen Griffin	Karen Griffin		
Rick			
Don			
Dustin Wilcox			
Jean Eichhorst	Jean Eichhorst		
Dale Cramer	Dale Cramer		

STAKEHOLDER ATTENDANCE RECORD
Republican River Basin-Wide Plan
August 15, 2016, 10:00 AM
Community Center -Cambridge, NE

Attachment A

NAME	SIGNATURE	AGENCY	EMAIL	PHONE NO.
John Thorburn	John Thorburn	Tri-Basin NRD	[redacted]	[redacted]
Ray Winz		Tri-Basin NRD		
Mike Clements		Lower Rep NRD		
Scott Dicke	Scott Dicke	Lower Rep NRD		
Sylvia Johnson	Sylvia J	Middle Rep NRD		
Jack Russell	Jack Russell	Middle Rep NRD		
Nate Jenkins		Upper Rep NRD		
Jasper Fanning		Upper Rep NRD		
Carol Flaute	Carol Flaute	NDNR		
Jennifer Schellpeper	Jennifer Schellpeper	NDNR		
Amy Zoller		NDNR		
Jeff Fassett	Jeff Fassett	NDNR		
Phyllis Johnson		TRI-BASIN		
Beth Eckles		DNR		
Tatiana Height	Tatiana Height	NDNR		

ATTACHMENT B

DRAFT Stakeholder Advisory Committee Guidance Document

AUGUST 2016

DRAFT STAKEHOLDER ADVISORY COMMITTEE GUIDANCE FOR REPUBLICAN RIVER BASIN-WIDE PLAN DEVELOPMENT

Introduction

The Republican River Basin-Wide Plan Stakeholder Advisory Committee (stakeholder committee), the Department of Natural Resources (NeDNR), and the Lower Republican, Middle Republican, Upper Republican, and Tri-Basin Natural Resources Districts (NRDs), are in the process of developing the first basin-wide plan pursuant to *Neb. Rev. Stat.* § 46-755 (Appendix A).

This document is intended to provide an overall vision for how the basin-wide planning process will be approached. Procedures outlined in this document are based upon input from and decisions of the stakeholder committee. This document is meant to provide guidance that may be modified as needed.

Nebraska's Ground Water Management and Protection Act requires basin-wide planning when three or more NRDs in a basin have been required to develop an integrated management plan for at least 85 percent of the district due to being designated or determined to be fully or overappropriated by NeDNR (*Neb. Rev. Stat.* § 46-755 (1)); therefore, a basin-wide plan must be developed for the Republican River Basin. [Placeholder for description of geographic area of plan (Appendix B)].

Committee Membership

NeDNR sent letters to statutorily required stakeholders (*Neb. Rev. Stat.* 46-755 (5)(c)), inviting them to participate. In addition, NeDNR and the NRDs published a public notice in local newspapers in August 2014 inviting any interested individual to join. Individuals who wished to become stakeholders in this process were required to sign up in writing, either by submitting a web form on the NeDNR website or by writing a letter to NeDNR. Everyone who indicated their intention to participate in the process in writing, by the stated deadline, became a member of the stakeholder committee (Appendix C). For additional information about stakeholder recruitment and other statutory requirements related to participation in this planning process, see Appendix D.

Stakeholder Meeting Roles

Stakeholders Committee's Role

To the extent possible, stakeholders will:

- Attend all meetings
- Arrive on time
- Review provided meeting materials in advance of the meeting
- Be prepared for discussion

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- Make decisions as a group, by consensus voting; in order to be a voting member of the stakeholder committee, stakeholders must [placeholder for decision to be made at August 2016 stakeholder meeting]
- Provide input on meeting materials and plan sections drafted by NeDNR and the NRDs

NeDNR's Role

NeDNR is a regulatory authority. NeDNR is required by statute to participate in this basin-wide planning processes and to participate in decision-making.

To the extent possible, NeDNR will:

- Coordinate the development of meeting materials, including agendas, minutes, summaries of coordination meetings, and other handouts
- Coordinate the distribution of meeting materials
- Post information to the Republican River Basin-Wide Plan website
- With the NRDs, create successive draft plans or portions of plans, based on input from the stakeholder committee, and bring drafts back to the stakeholder committee for review
- Participate in stakeholder meeting discussions, including discussing limitations as needed

NRDs' role

The NRDs are regulatory authorities. The NRDs are required by statute to participate in this basin-wide planning process and to participate in decision-making.

To the extent possible, the NRDs will:

- Assist with the development and review of meeting materials
- With NeDNR, create successive draft plans or portions of plans, based on input from the stakeholder committee, and bring drafts back to the stakeholder committee for review
- Participate in stakeholder meeting discussions, including discussing limitations as needed
- Convey planning progress to NRD board members and the public

Facilitator's Role

To the extent possible, the facilitator will:

- Follow the agenda
- Start and end meetings on time
- Strive to ensure progress is being made and that meetings are productive
- Be responsive to member suggestions and concerns about the process

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Decision Making by the Stakeholder Committee

All decisions of the stakeholder committee will take place in person at stakeholder committee meetings (stakeholder meetings). Electronic polls or other communication may take place between meetings for purposes such as gathering information or stimulating discussion, but any information gathered in this fashion will be brought back to the stakeholder committee for further discussion.

Stakeholder committee members prefer to remain in one large group for open discussion whenever possible, as opposed to breaking into smaller groups.

Decisions of the stakeholder committee will require consensus voting. To vote, each stakeholder must hold his or her thumb in the air, pointing up for approval, sideways for acceptance (i.e., "I don't like it, but I can live with it"), and down for disapproval. If every stakeholder present votes either approval or acceptance, then consensus is reached and thus the stakeholder committee's decision has been made. Stakeholders indicating disapproval must describe their concerns and tell the stakeholder committee what, if anything, it would take to change their disapproval to acceptance. If any disapproval votes cannot be changed either to approval or acceptance through compromise or further discussion, the stakeholder committee will then decide how and whether to proceed with the basin-wide planning process.

Between stakeholder meetings, stakeholder committee members may submit suggested action items for future stakeholder meetings to NeDNR.

Meeting Logistics

Website

The stakeholder meeting schedule, meeting materials, and other information about this basin-wide planning process are available for review on the Republican River Basin-Wide Plan website, *http://dnr.nebraska.gov/RRBWP/*.

Preparation

Whenever possible, meeting materials will be sent to stakeholder committee members no later than 10 days before each stakeholder committee meeting. Meeting materials will be sent by email, by mail, or both, according to each stakeholder's indicated preference. These materials will include, at a minimum, an agenda for the upcoming stakeholder meeting, and minutes from the previous stakeholder meeting. To the extent possible, the agenda will list decision items that will be considered at the upcoming stakeholder meeting. Stakeholder committee members should review these materials in advance of the stakeholder meeting.

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Open Meetings Act and Meeting Notice

Stakeholder meetings are subject to the Nebraska Open Meetings Act. As such, all stakeholder meetings are open to the public, and a public comment period is scheduled at the end of each meeting. A copy of the Nebraska Open Meetings Act will be present at each stakeholder meeting. Public notice of each stakeholder meeting will be posted in advance of the meeting on the Republican River Basin-Wide Plan website (*http://dnr.nebraska.gov/RRBWP*) and in four local newspapers: *Holdrege Daily Citizen, McCook Gazette, Imperial Republican,* and *Benkelman Post & News Chronicle*.

Meeting Facilitation

NeDNR staff will facilitate stakeholder meetings. The stakeholder committee reserves the option to change facilitators at a later date if they perceive that NeDNR is unable to continue facilitating in an unbiased, neutral manner.

In order to maintain group focus and prevent progress from becoming stalled, the facilitator will maintain a "Parking Lot" during meetings as needed to set aside topics for later discussion. The Parking Lot list will be displayed at the front of the room at each stakeholder meeting. As items leave the Parking Lot by being brought back to the stakeholder committee for later discussion, they will be crossed off the list. An agenda item will be included near the end of each stakeholder meeting for the stakeholder committee to review the topics in the Parking Lot.

Meeting Times and Location

Stakeholder meetings are held at the Cambridge Community Center, which is located at 722 Patterson Avenue, Cambridge, Nebraska. When practical, stakeholder meetings are scheduled to occur the third Tuesday of every other month; however, this meeting schedule is approximate and is subject to change (Table 1). Stakeholder meetings are scheduled to last from 10:00 AM to 3:00 PM.

In June 2016, the stakeholder committee set a flexible target of holding the last stakeholder meeting by June 2017, or within approximately six additional stakeholder meetings.

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Table 1. Timeline to completion of plan, including an additional year of stakeholder meetings, as proposed at June 21, 2016 stakeholder meeting.

Previous meetings	Proposed additional meetings	Hearing and approval process
March 31, 2015 June 16, 2015 August 18, 2015 January 19, 2016 March 15, 2016 June 21, 2016	August 16, 2016 November 1, 2016 January 17, 2017 March 21, 2017 June 20, 2017	Approximately 6-9 months

Public Hearing, Revisions, and Adoption

Once a draft plan has been agreed upon by NeDNR, the NRDs, and the stakeholder committee (or by NeDNR and the NRDs if the stakeholder committee cannot reach agreement), a lengthy hearing and approval process is required. First, NeDNR and the NRDs will exchange letters indicating they agree on the final draft of the basin-wide plan. They will then set a date for a public hearing for the plan and submit notices to newspapers to inform the public about the upcoming hearing. NeDNR and the NRDs will conduct public a hearing in accordance with *Neb. Rev. Stat.* § 46-755 (5)(e).

Following the hearing, NeDNR and the NRDs review the hearing transcript, consider any testimony given at the hearing, and evaluate whether any revisions to the plan are needed. If the outcome of a hearing or other events necessitates significant change to the plan, then plan revisions will follow the same process by which the plan was developed.

If the consensus-based stakeholder process is the basis of plan development, then potential revisions to the plan will first be considered by the stakeholder committee. If the stakeholder committee is unable to reach consensus on revisions to the plan, the revisions will be developed by NeDNR and the NRDs. To the extent possible, revisions developed by NeDNR and NRDs will focus on those areas of revision which the stakeholder committee was unable to reach consensus.

If NeDNR and the NRDs develop the plan because the stakeholder committee is unable to reach consensus, NeDNR and the NRDs will develop potential revisions to the plan.

If no significant revisions to the plan are needed, the plan must be adopted no more than 60 days following the public hearing. NeDNR and the NRDs will jointly agree to adopt the basin-wide plan, issue orders adopting the plan, and publish notice of these orders.

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Attachment B

Contact Information

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Appendix A.

Nebraska Revised Statute § 46-755. Basin-wide plan; development and adoption; extension; stated goals and objectives; plan contents; department and natural resources districts; duties; public meeting; report; public hearing.

This section shall apply notwithstanding any other provision of the Nebraska Ground Water Management and Protection Act.

(1) If a river basin as described in subdivision (2)(a) of section 2-1504 includes three or more natural resources districts that, pursuant to subdivision (1)(a) of section 46-715, have been or are required to develop an integrated management plan for all or substantially all (eighty-five percent) of the district, such natural resources districts shall, jointly with the department and the natural resources districts within the same basin, develop and adopt a basin-wide plan for the areas of a basin, subbasin, or reach determined by the department to have hydrologically connected water supplies, except that any natural resources district that has developed and implemented a basin-wide plan pursuant to subsection (5) of section 46-715 shall not be affected by this section. If deemed appropriate by the department and the affected natural resources districts, the basin-wide plan may combine two or more river basins.

(2) An integrated management plan developed under subdivision (1)(a) or (b) of section 46-715 shall ensure such integrated management plan is consistent with any basin-wide plan developed pursuant to this section. However, an integrated management plan may implement additional incentive programs or controls pursuant to section 46-739 if the programs and controls are consistent with the basin-wide plan.

(3) A basin-wide plan shall be completed, adopted, and take effect within three years after April 17, 2014, unless the department and the natural resources districts jointly agree to an extension of not more than an additional two years.

(4) A basin-wide plan shall (a) have clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term, (b) ensure that compliance with any interstate compact or decree or other formal state contract or agreement or applicable state or federal law is maintained, and (c) set forth a timeline to meet the goals and objectives as required under this subdivision, but in no case shall a timeline exceed thirty years after April 17, 2014.

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(5)(a) A basin-wide plan developed under this section shall utilize the best generally-accepted methodologies and available information, data, and science to evaluate the effect of existing uses of hydrologically connected water on existing surface water and ground water users. The plan shall include a process to gather and evaluate data, information, and methodologies to increase understanding of the surface water and hydrologically connected ground water system within the basin, subbasin, or reach and test the validity of the conclusions, information, and assumptions upon which the plan is based.

(b) A basin-wide plan developed under this section shall include a schedule indicating the end date by which the stated goals and objectives are to be achieved and the management actions to be taken to achieve the goals and objectives. To ensure that reasonable progress is being made toward achieving the final goals and objectives of the plan, the schedule shall also include measurable hydrologic objectives and intermediate dates by which the objectives are expected to be met and monitoring plans to measure the extent to which the objectives are being achieved. Such intermediate objectives shall be established in a manner that, if achieved on schedule, will provide a reasonable expectation that the goals of the plan will be achieved by the established end date.

(c) A basin-wide plan shall be developed using a consultation and collaboration process involving representatives from irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, ground water users, range livestock owners, the Game and Parks Commission, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to become an official participant in such process. The department and affected natural resources districts shall involve official participants in formulating, evaluating, and recommending plans and management actions and work to reach an agreement among all official participants involved in a basin-wide plan. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. If agreement is reached by all parties involved in such consultation and collaboration process, the department and the affected natural resources districts shall adopt the agreed-upon basin-wide plan. If agreement cannot be reached by all parties involved, the basin-wide plan shall be developed and adopted by the department and the affected natural resources districts or by the Interrelated Water Review Board pursuant to section 46-719.

(d) Within five years after the adoption of the basin-wide plan, and every five years thereafter, the department and affected natural resources districts shall conduct a technical analysis of the actions taken in a river basin to determine the progress towards meeting the goals and objectives of the plan. The analysis shall include an examination of (i) available supplies,

current uses, and changes in long-term water availability, (ii) the effects of conservation practices and natural causes, including, but not limited to, drought, and (iii) the effects of the plan in meeting the goal of sustaining a balance between water uses and water supplies. The analysis shall determine if changes or modifications to the basin-wide plan are needed to meet the goals and objectives pursuant to subdivision (4)(a) of this section. The department and affected natural resources districts shall present the results of the analysis and any recommended modifications to the plan at a public meeting and shall provide for at least a thirty-day public comment period before holding a public hearing on the recommended modifications. The department shall submit a report to the Legislature of the results of this analysis and the progress made under the basin-wide plan. The report shall be submitted electronically. Any official participant or stakeholder may submit comments to the department and affected natural resources districts on the final basin-wide plan adopted by the department and affected natural resources districts, which shall be made a part of the report to the Legislature.

(e) Before adoption of a basin-wide plan, the department and affected natural resources districts shall schedule at least one public hearing to take testimony on the proposed plan. Any such hearings shall be held in reasonable proximity to the area affected by the plan. Notice of hearings shall be published as provided in section 46-743. All interested persons may appear at any hearings and present testimony or provide other evidence relevant to the issues under consideration. Within sixty days after the final hearing, the department and affected natural resources districts shall jointly determine whether to adopt the plan.

(f) The department and the affected natural resources districts may utilize, when necessary, the Interrelated Water Review Board process provided in section 46-719 for disputes arising from developing, implementing, and enforcing a basin-wide plan developed under this section.

Source: Laws 2014, LB1098, § 15.

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Appendix B.

Geographic area of Republican River Basin-Wide Plan

[Placeholder for map. Geographic area to be determined.]

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Appendix C.

Members of the Republican River Basin-Wide Plan Stakeholder Advisory Committee as of July 2015

First Name	Last Name	City
Jared	Baker	Naponee
Kurt	Bernhardt	Lamar
Mike	Delka	Red Cloud
Brad	Edgerton	Cambridge
Jerry	Ehrke	Alma
Chris	Flaming	Elsie
Troy	Fletcher	Oxford
Josh	Friesen	Wallace
Jerda	Garey Vickers	McCook
Mike	George	Grand Island
Wayne	Haarberg	Imperial
Dale	Helms	Holbrook
Dick	Helms	Arapahoe
Robin	Hinrichs	Axtell
William (Bill)	Hoyt	McCook
Michael J.	Kahrs	Franklin
Max	Kaiser	Imperial
Curtis	Kayton	Palisade
Jim	Kent	Benkelman
Bradly	Knuth	Holdrege
Jerry	Kuenning	Imperial
Kent	Lorens	Stratton
Jeff	Loschen	Hildreth

First Name	Last Name	City
Gale	Lush	Wilcox
Scott	Lutz	Parks
Timothy	McCoy	Lincoln
Cedric	McDaniel	Wauneta
Dan	Nelsen	Moorefield
Doug	Ohlson	Imperial
Dave	Oxford	Enders
Roric	Paulman	Sutherland
John	Rundel	Trenton
Nate	Schneider	McCook
George	Schortberger	Brule
Richard	Siel	Franklin
Kevin	Slocum	Franklin
Steve	Smith	Imperial
Daniel	Smith	Maywood
Shad	Stamm	Benkelman
Glenn	Taubenheim	Grant
Aaron	Thompson	McCook
Ted	Tietjen	Grant
Marcia	Trompke	Holdrege
Dack	Vesta	McCook
Tom	Vickers	Farnam
Todd	Watson	Edison

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Appendix D.

Statutory Roles and Responsibilities

Party	Requirement for Participation	Responsibilities in Basin-Wide Planning	Role in Reaching Agreement
Department of Natural Resources (NeDNR)	Required	Jointly Responsible with NRDs for developing the basin-wide plan. Must adopt the plan for it to be valid	Party to agreement decision
Natural Resources Districts (NRDs)	Required	Jointly Responsible with NRDs for developing the basin-wide plan. Must adopt the plan for it to be valid	Party to agreement decision
Representatives from irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, ground water users, range livestock owners, the Game and Parks Commission, and municipalities that rely on water from within the affected area	Required to be invited, but not required to participate	Must be notified at commencement of planning process, and required to indicate in writing their desire to be involved in the process	Party to agreement decision if they have indicated in writing their desire to participate in the process
Designated representatives of other stakeholders	May be invited	May be included in the planning process by either NeDNR or the NRDs	Party to agreement decision
General public	Public hearings are required to be held prior to adoption of a plan	None	Not a party asked to reach agreement

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ATTACHMENT C

Timeline of Remaining Meetings

Attachment C

Republican River Basin-wide Plan Stakeholder Advisory Committee Timeline of Remaining Meetings

Aug. 16

- Draft Guidance Document for Review and Adoption.
  - Stakeholder Voting.
  - Basin Plan Area Map.
- Challenges & Opportunities: Discussion of Inequitable Distribution of Compliance Burden & Solutions.

Nov. 1

- Basin Plan Area Map.
- Challenges & Opportunities: Water supply and use. What is over consumption?
  - Compact Accounting / INSIGHT
- Plan Components: Goals, Objectives, Actions, Monitoring
- First Draft of Plan Components based upon the Challenges & Opportunities discussion from August 16th meeting.
  - Discussion and Decision.

Jan. 17

- First Draft of Plan Components based upon the Challenges & Opportunities discussion from November 1st meeting.
  - Discussion and Decision
  - Check in regarding the timeline and how long of an extension to request.
- Second Draft of Plan Components based upon the Challenges & Opportunities discussion from August 16th meeting.
  - Discussion and Decision.

March 21

- First Draft of All Plan Components based upon the Challenges & Opportunities discussion from August 16th - January 17th meeting.
  - Discussion and Decision.

June 20

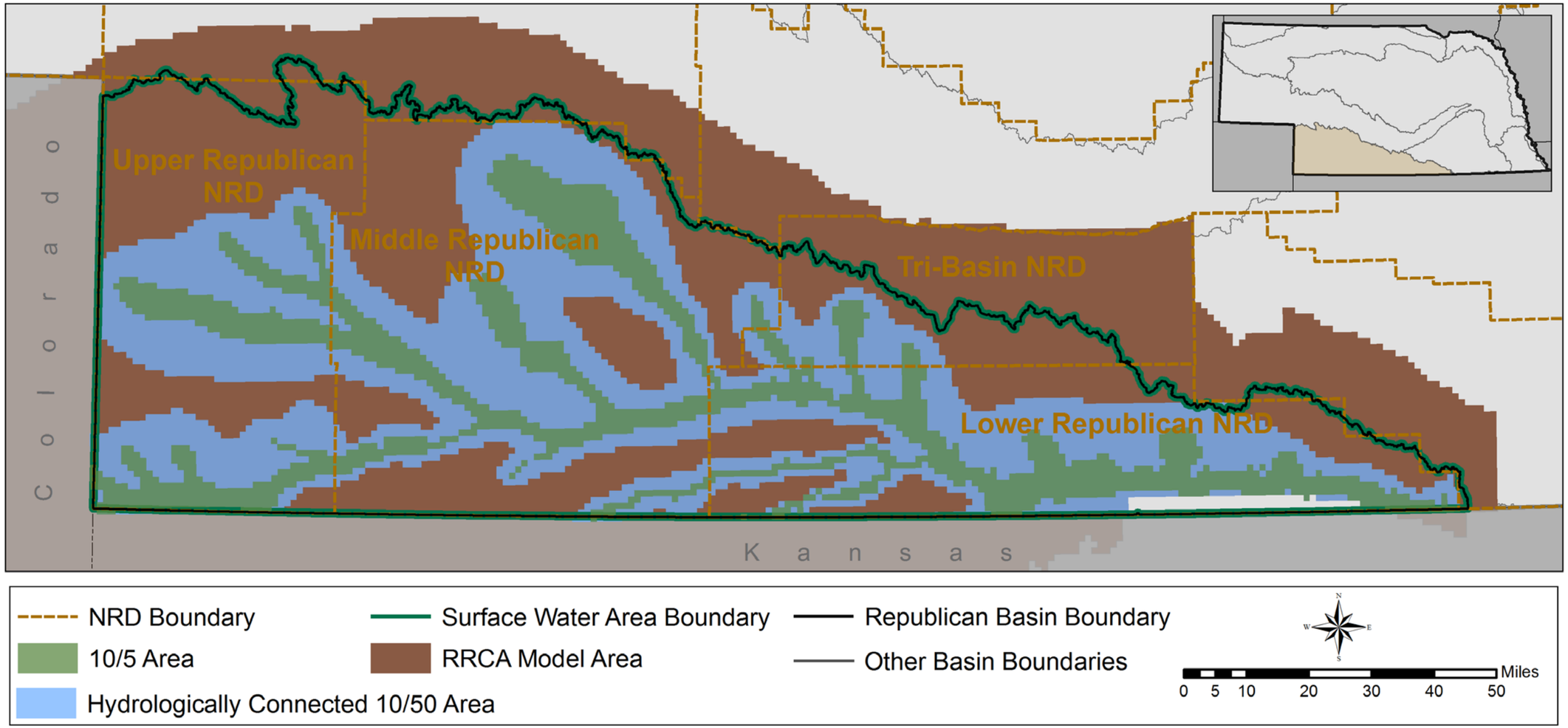
- Second Draft of All Plan Components based upon the Challenges & Opportunities discussion from August 16th - January 17th meeting.
  - Discussion and Decision.

ATTACHMENT D

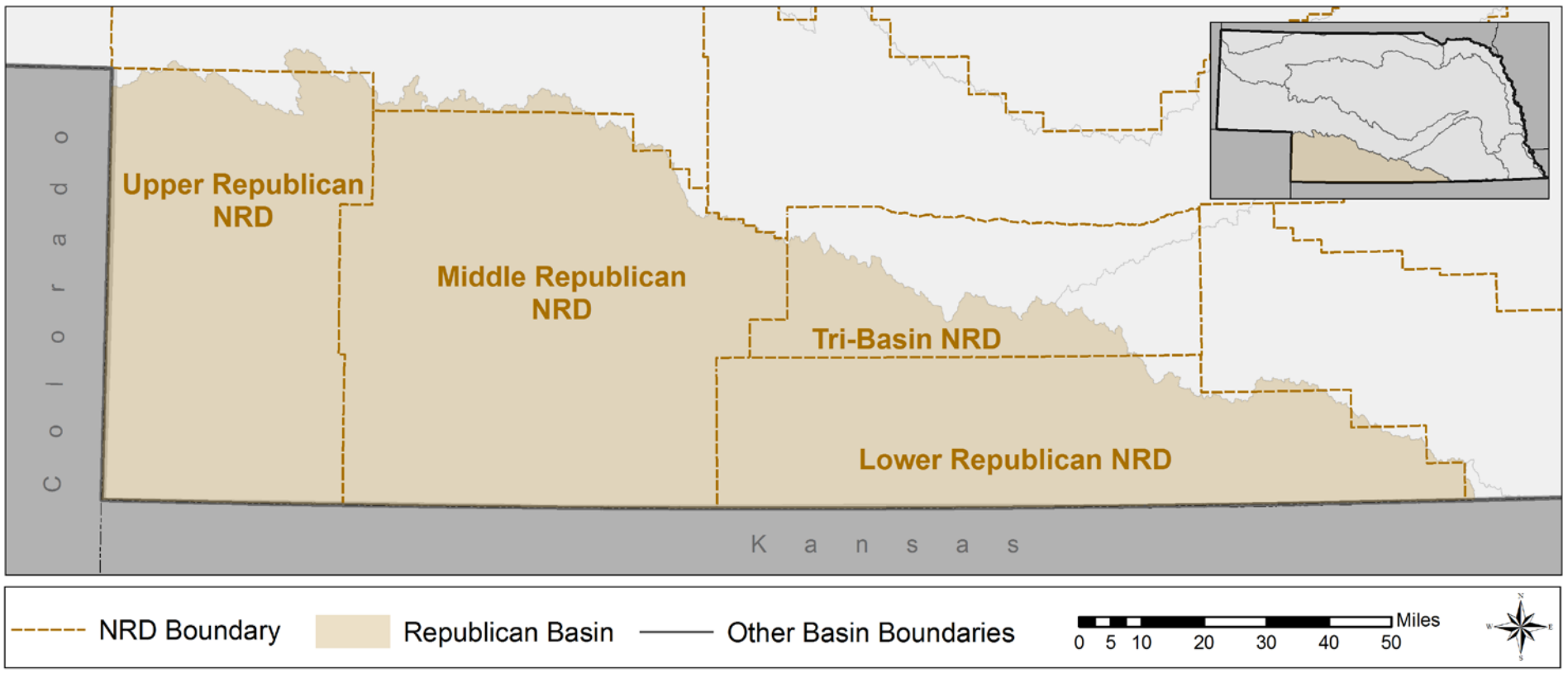
Maps for Plan Areas discussion

Attachment D

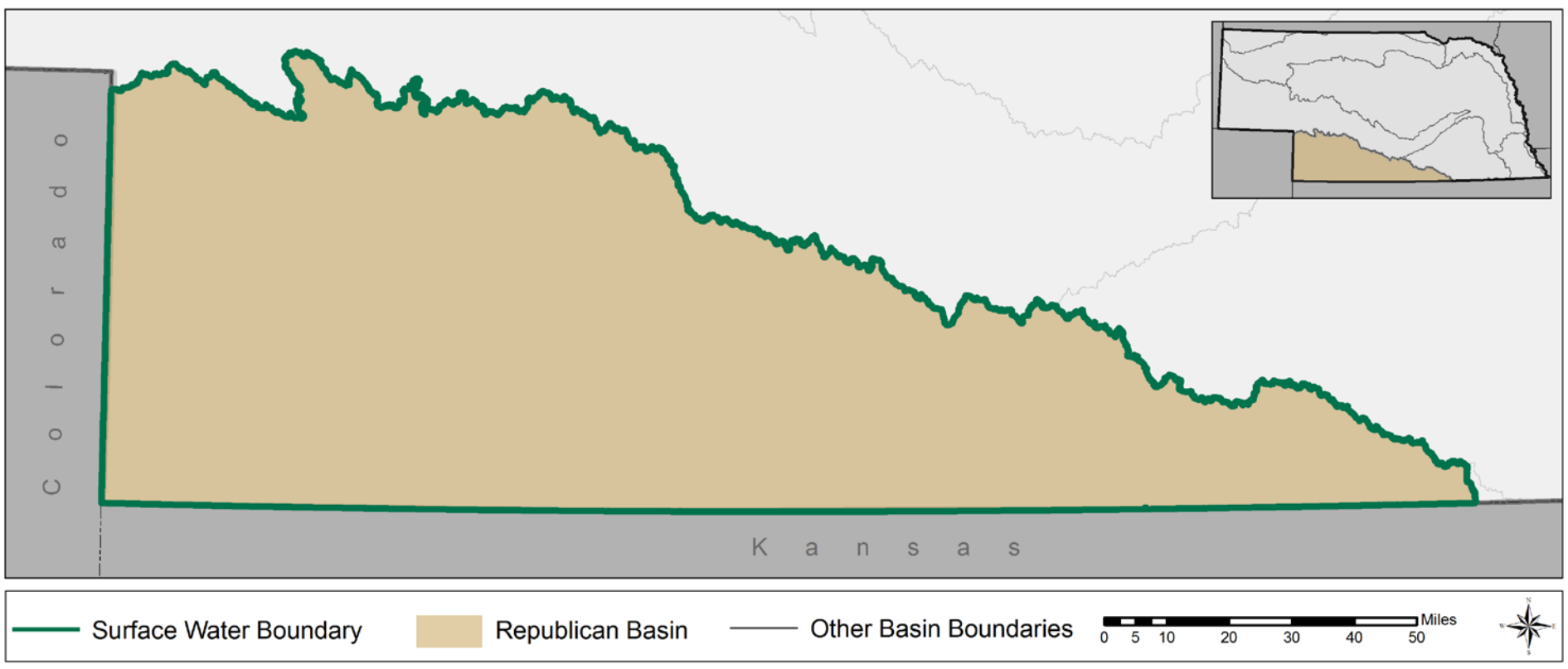
Republican River Basin-Wide Plan Areas



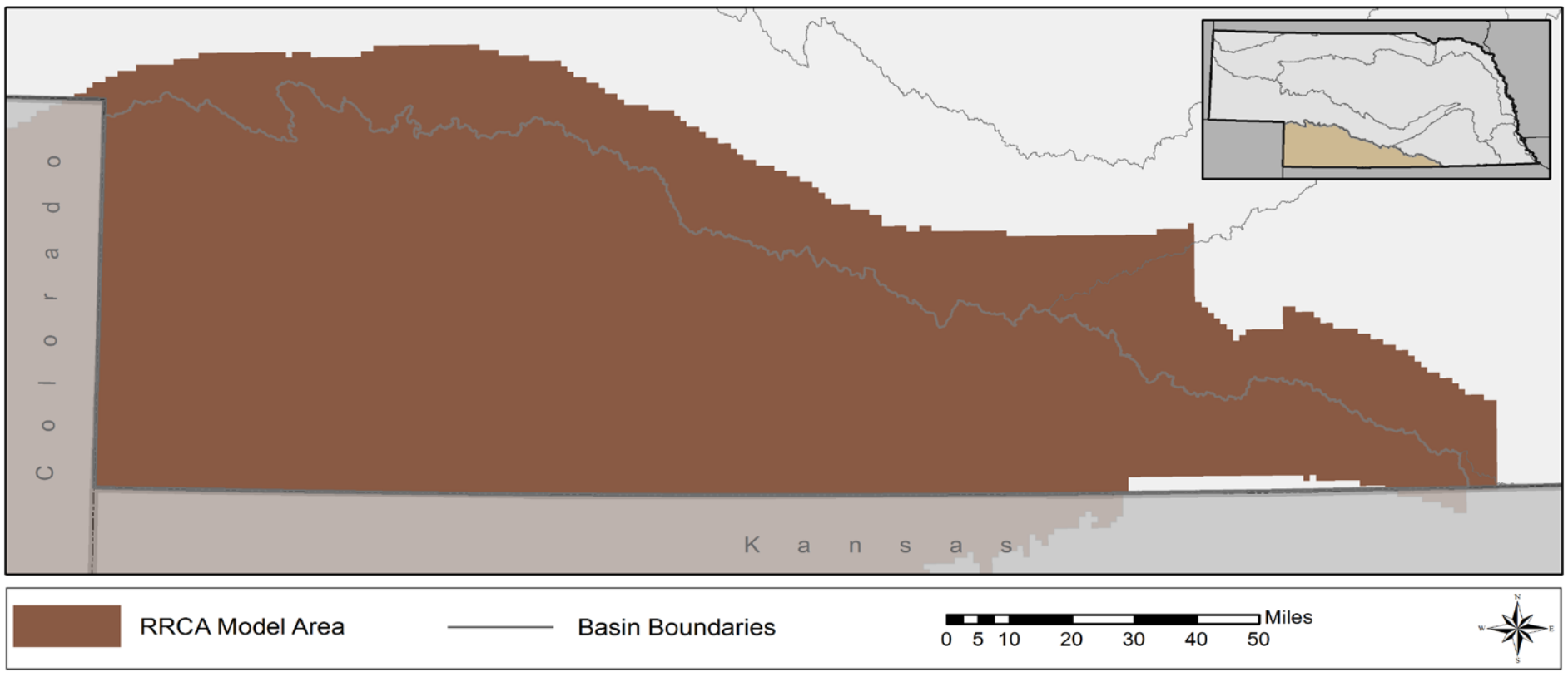
Republican River Basin Natural Resource Districts

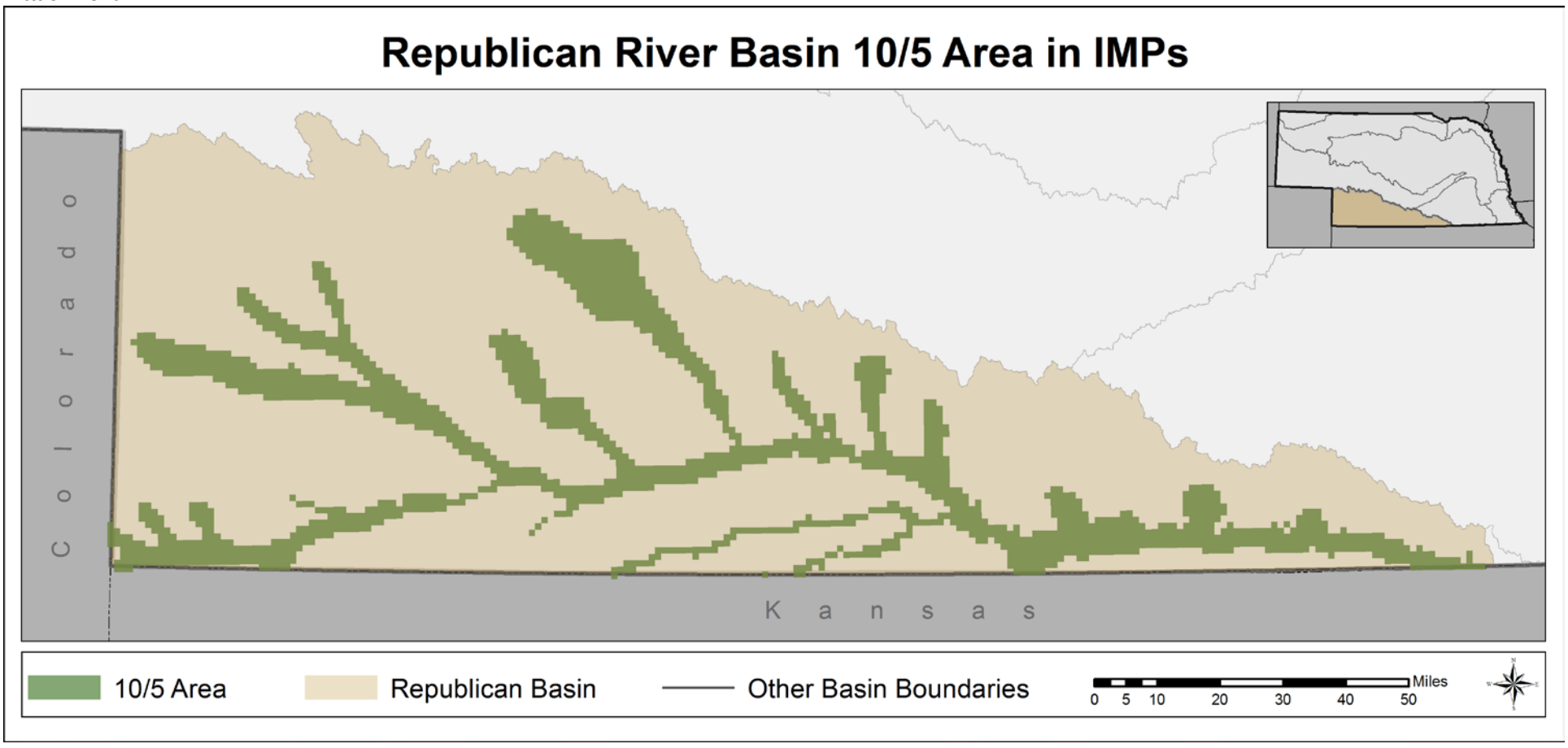


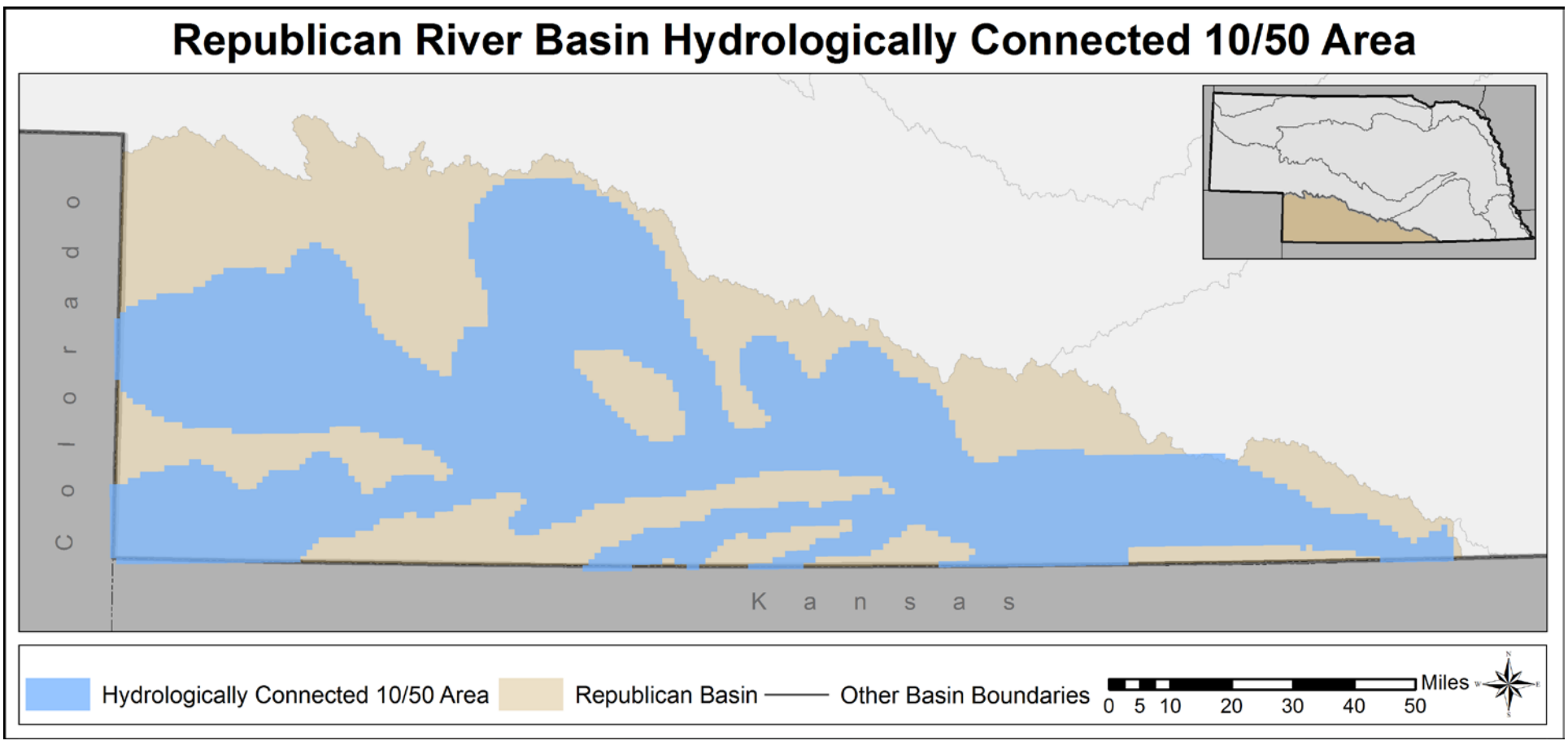
Republican River Basin Surface Water Basin Area



Republican River Compact Accounting Model Boundary




Republican River Basin 10/5 Area in IMPs
Colorado
Kansas
10/5 Area
Republican Basin
Other Basin Boundaries
0 5 10 20 30 40 50
Miles


Republican River Basin Hydrologically Connected 10/50 Area
Colorado
Kansas
Hydrologically Connected 10/50 Area
Republican Basin
Other Basin Boundaries
0 5 10 20 30 40 50
Miles

ATTACHMENT E

Handouts for Challenges and Opportunities discussion

Republican River Basin-Wide Challenges

From June 21, 2016, Stakeholder Meeting

Legend

People who agreed with a comment already posted ★

Denotes individual stakeholder highest disagreement ●

Denotes individual stakeholder highest agreement ●

Republican River Basin-Wide Challenges		
1. Inequitable distribution of compact compliance burden	●●●●●●●●●●●●●●●●	●
a. Allocations should be across the whole basin. ★★★★★	●●●	●●●●●●
b. What is a good metric for fairness and balance of different uses? ★★	●	
c. State plan for recharge to aquifer.	●●	
d. Allocations based on model area		
e. Excess water in the Platte needs to be transferred to the Republican. ★★★	●●●●●●●●●	
f. Allocations by subbasin based on recharge	●	
g. Should have a plan to avoid two year compliance test.		
h. Consider importing water from east end of Republican.	●	●
i. When there's excess water in the Platte and we need water here, why is the burden on wells and surface water? ★★	●●	
j. Impossible to have open dialogue when litigation is constantly occurring. What is amount of money being spent on legal fees? ★	●●●	●●●
2. Limited understanding of water supply and use.	●●●●●●●●●	●●●
a. Our farming practices have changed dramatically- effects on stream flow.	●●●●●●	
b. What do we work towards? (How short are we?) ★★	●	
c. What is a good metric? ★		
d. Need to address areas of depletions. ★	●●●●●	
e. Needs to be based on entire Basin, not just DNR 10/50 policy. ★★	●●●	
f. How much flow is needed at the head gates to sustain your system? Solution has to be based on science rather than poltiics. ★★	●	
3. Over consumption of water has not been adequately addressed.	●●●●●●●●●●	
a. Are we fully or over appropriated (Use scientific approach)? ★★★★★	●●●●	
b. Response times vary widely for actions we may propose. Think short, mid, and long term. ★		
c. Deal with depletions- no additional depletions on starting point. ★★	●●●●	●●
d. We are using more water than we have.	●	
e. Is the amount pumped by N-CORPE an indication of how far we over developed? ★		
f. Remove non-beneficial vegetation. ★	●●●	
g. Find ways to reduce evaporation.		●
h. Over consumption is based off compliance. How do we know what the "right" streamflow was? Was it right when the compact was signed?		
i. No way to make the river flow again.	●	●●●●●●●
4. Regulatory measures have been inconsistent through time and water use.	●●●●●	●●
a. State law has created conflict between GW & SW.	●●●	
b. If regulation; Can trade $ for water. ★	●●	
c. Regulations don't work without consequences. ★	●●	
5. Compact compliance and accounting always a challenge	●●●●	
a. Must comply.		
b. Can we build a reserve? ★	●●	
6. Someone else will fix our problem (east) if we don't fix it ourselves	●●●●●●	
a. Lincoln is watching us.		
b. This is a basin problem, there needs to be some compromise.		
c. We've gotten more efficient and reduced our pumping. So we're not just paying $10/acre. I've paid $1,000 to be more efficient.	●	
7. Lack of certainty for agricultural planning.	●●●●●●●●	
a. Certainty of knowing surface water receives an allocation. ★	●	
b. Reliability for planning and commuity viability. ★	●	
c. How many surface water H2O acres have underground well? Did original federal permits guarantee a certain supply of H2O? ★★		
8. Loss of economic returns on investments in irrigated agriculture.		
a. Effects on economy as a whole. ★	●●	
b. This is a likely reality if based on false or absent water.		
c. H2O = Life.		

Proposed actions for August 2016 Stakeholder Advisory Committee meeting

These challenges will be further discussed so the group can come to an understanding of the issue and provide input on suitable solutions

DISCUSS FURTHER TO DEFINE THE CHALLENGE

1. Inequitable distribution of compact compliance burden		
a. Allocations should be across the whole basin ★★★★★		
b. What is a good metric for fairness and balance of different uses ★★		
d. Allocations based on model area		
f. Allocations by sub-basin based on recharge		
h. Consider importing water from the east end of Republican		
2. Limited understanding of Water Supply & Use		
a. Our farming practices have changed dramatically - effects on stream flow		
b. What do we work towards? (How short are we?) ★★		
c. What is a good metric? ★		
d. Need to address areas of depletions ★		
e. Needs to be based on entire Basin not just DNR 10-50 policy ★★		
f. How much flow is needed at the head gates to sustain your system? Solution has to be based on science rather than politics ★★		
3. Over consumption of water has not been adequately addressed		
a. Are we fully or over appropriated (Use scientific approach) ★★★★★		
b. Response times vary widely for actions we may propose. Think short, mid & long term ★		
c. Deal with depletions –no additional depletions on starting point ★★		
d. We are using more water than we have		
e. Is the amount pumped from N-Corpe an indication of how far we over developed ★		
f. Remove non-beneficial vegetation ★		
g. Find ways to reduce evaporation		
h. Over consumption is based off compliance, how do we know what the "right" streamflow was? Was it right when the compact was signed?		
i. No way to make the river flow again		
4. Regulatory measures have been inconsistent through time and water use		
a. State law has created conflict between GW & SW		
b. If Regulation; Can trade $ for water ★		
c. Regulations don't work without consequences ★		

There will be language in the plan to address these challenges. NeDNR and the NRDs will draft language that will be brought back to the stakeholders for consideration and a vote.

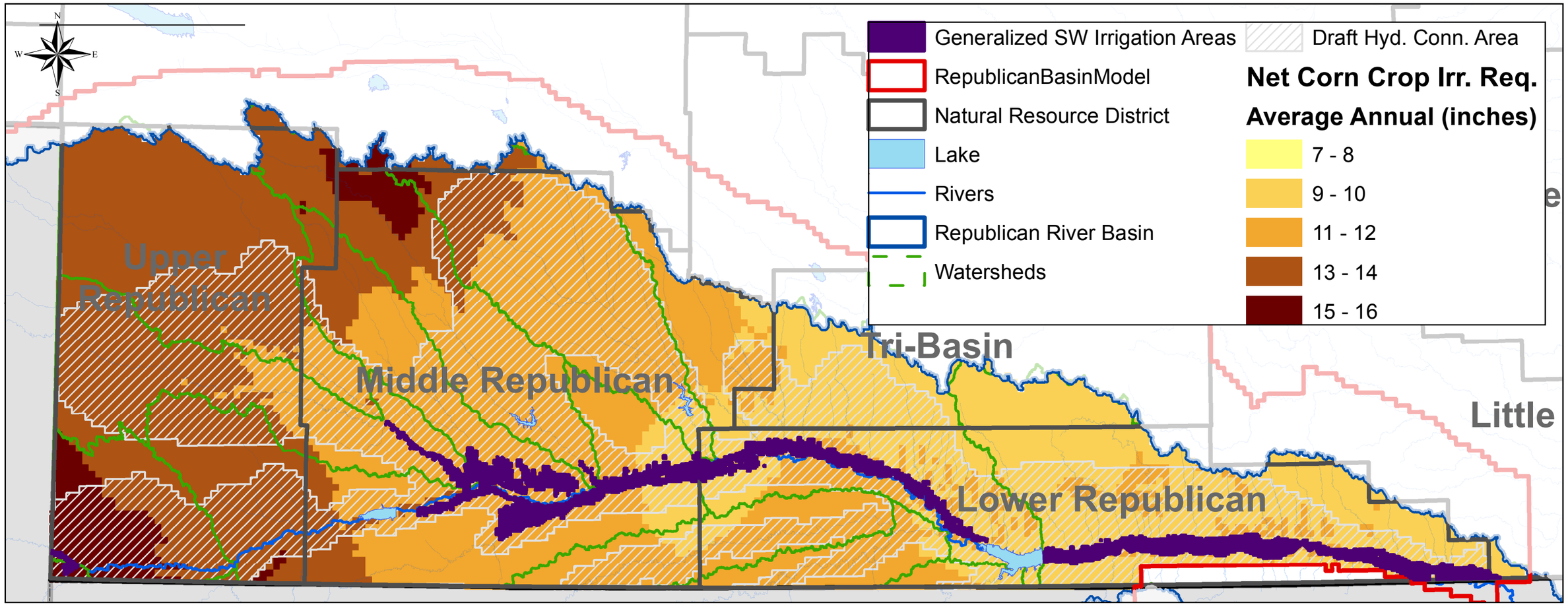
INCLUDE IN THE PLAN?

1. Inequitable distribution of compact compliance burden		
The Plan will include opportunities to increase water supplies so that the burden of compact compliance is less reliant on regulatory actions on the water users across the basin.		
c. State Plan for recharge to aquifer		
e. Excess water in the Platte needs to be transferred to the Republican ★★★		
i. When there's excess water in the Platte and we need water here, why is the burden on wells and surface water ★★		
The Plan will ensure compliance with controling statutes and laws while minimizing the burden on water users.		
g. Should have a plan to avoid 2 year compliance test		
The Plan will ensure compact compliance and will consider strategies to maximize Nebraska's beneficial consumptive use of its portion of the water supply		
5. Compact compliance and accounting always a challenge		
a. Must comply		
b. Can we build a reserve? ★		
The Plan will include solutions that come from within the basin .		
6. Someone else will fix our problem (east) if we don't fix it ourselves		
a. Lincoln is watching us		
b. This is a basin problem, there needs to be some compromise here		
c. We've gotten more efficient and reduced our pumping. So we're not just paying $10/acre. I've paid $1000 to be more efficient		
The Plan will include solutions that increase certainty for agricultural planning.		
7. Lack of certainty for agricultural planning		
a. Certainty of knowing surface water receives an allocation. Notice so we can plan long range ★		
b. Reliability for planning and community viability ★		
c. How many surface H2O acres have underground well? Did original federal permits guarantee a certain supply of H2O ★★		
The Plan will include consideration of the economic impacts of proposed solutions.		
8. Loss of economic returns on investments in irrigated agriculture		
a. Effects on economy as a whole ★		
b. This is a likely reality if based on false or absent water supply		
c. H2O = life		

PRIOR DECISION

1. Inequitable distribution of compact compliance burden		
Answered at the June meeting with consensus vote to move forward despite litigation.		
j. Impossible to have open dialogue when litigation is constantly occurring. What is amount of money being spent on legal fees? ★		

Allocations Discussion Figure



Created by alz, DNR, 8/15/2016

Sources: Average Annual Net Irrigation Requirement: This is the average Republican River NIR for corn over the period 1960-2010,which is based on soils and precipitation. This data was developed as part of a project to estimate the irrigation demands for the canals in the Republican River Basin.

ATTACHMENT F

Summary of NRD and Irrigation District allocation systems within Basin, as presented by District Managers

Attachment F

Summary of Natural Resources District (NRD) and Irrigation District allocation systems within the Basin, as presented by District managers

Tri-Basin NRD (John Thorburn)

- All wells are metered.
- The allocation for wells located within a groundwater management area is 27 inches over a three year period, otherwise there is no allocation.

Lower Republican NRD (Mike Clements)

- Lower Republican NRD is on its fourth generation IMP.
- 2005 was the first year of allocations.
- Beforore 2008, Lower Republican NRD was split along Hiighway 183 into two allocation areas: the allocation west of the highway was 12 inches per year or 36 inches per three years, and east of the highway was 11 inches per year or 33 inches per three years.
- In 2008, the Lower Republican NRD changed to a five-year allocation period with an 9-inch allocation per year, district-wide. This year a 13-inch cap has been placed.

Middle Republican NRD (Jack Russell)

- The Middle Republican NRD was on a 13-inch allocation for the first three years
- They are now on a 12-inch allocation and a five-year period, but they are coming to the end of this allocation period in 2017.
- Middle Republican's allocations are mostly based on crop needs, but they are moving toward looking at available water and depletions to ensure the water supply lasts.

Upper Republican NRD (Nate Jenkins)

- The Upper Republican NRD is on a 65-inch allocation over a period of five years, which balances out to about 13 inches per year.
- Allocations could previously be carried forward to future years without restriction, but in 2013 a cap of 7.5 inches was set for carry over without penalty. There is a penalty of 2 inches per every 1 inch borrowed beyond the 7.5-inch cap. The current five-year allocation period ends at the end of 2017, and at that time, irrigators will be prevented from borrowing water from future allocation periods.

Frenchman-Cambridge Irrigation District (Brad Edgerton)

- Frenchman-Cambridge has both natural flow water rights and storage-use water rights.
- They went with a six inch allocation this year, based on information from the Bureau of Reclamation about the supply in Harry Strunk and other reservoirs. The Bureau is able to estimate water supplies for the next year.
- Frenchman-Cambridge allows their patrons to buy and sell water among themselves.
- The two NRDs that are common to Frenchman-Cambridge have differing groundwater management in relation to comingled water use: Lower Republican NRD allows

operators to use surface water first and save their groundwater allocation by shutting the well off; in contrast, in the Middle Republican NRD, operators' groundwater allocations are reduced by the amount of surface water used.

- Frenchman-Cambridge does not receive any funds from property tax.

Nebraska Bostwick Irrigation District (Mike Delka)

- Nebraska Bostwick also has storage-use rights and natural flow rights.
- Like Frenchman-Cambridge Irrigation District, the US Bureau of Reclamation provides estimates to Nebraska Bostwick of delieverable water based on how much water they have in storage that year.
- The canals are not run if no one wants water. The small canals run only 4-5 days per week. In the week of this meeting, they had just started using the same method on large canals as well.
- They try to know what water supply will be by January 1, but sometimes that timeframe moves in to March, April, or May.

Frenchman Valley Irrigation District (Don Felker)

- Frenchman Valley is diverting 12 cfs
- Culbertson Canal will always have water but serves only one-third of the District

ATTACHMENT G

Suggested "Foundation Information" for plan, distributed by Mike Delka

Republican River Basin-Wide Plan

Starting Point

Foundation Information:

Nebraska's dry year total water supply (no river flows)_____acre-feet

Total irrigated acres (ground and surface) _____acres

Upper Republican NRD _____

Middle Republican NRD _____

Lower Republican NRD _____

Tri-Basin NRD _____

Dry year imported water supply credit _____acre-feet

Upper Republican NRD _____

Middle Republican NRD _____

Lower Republican NRD _____

Tri-Basin NRD _____

Dry year State line river flows _____acre-feet

(River flows originating within NRD)

URNRD river flows _____

MRNRD river flows _____

LRNRD river flows _____

TBNRD river flows _____

Rainfall (1981-2010)	June	July	August	Annual
Superior	3.54	3.78	3.07	27.84
Imperial	3.31	2.76	2.64	20.28