

## Appendix H. 2018-2022 Allocation Summary

### Section Overview

This appendix summarizes the natural resources districts' (NRDs') current allocations as of the effective date of the Republican River Basin-Wide Plan.

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### Groundwater Allocations, Summarized

<b>Republican NRDs' Allocations for Groundwater Irrigation Use<sup>1</sup></b>				
<b>2018-2022 Allocation Period</b>				<b>2018-2020 Allocation Period</b>
	<b>Upper Republican NRD</b>	<b>Middle Republican NRD</b>	<b>Lower Republican NRD</b>	<b>Tri-Basin NRD (Allocations in effect ONLY in Phase 3 GQMA Union Twp)</b>
<b>Total Allocation</b>	65 Inches/Acre/5 Years	60 Inches/Acre/5 Years	45 Inches/Acre/5 Years	27 Inches/Acre/3 Years
<b>Annual or Base Allocation</b>	Allocation is over 5 Years, not annual	12 Inches/Acre/Year	9 Inches/Acre/Year	9 Inches/Acre/Year
<b>Maximum Annual Use</b>	65 Inches/Acre	60 Inches/Acre (15 Inches/Acre in a Compact Call Year)	45 Inches/Acre (13 Inches/Acre in a Compact Call Year)	27 Inches/Acre

<sup>1</sup> Information shown as provided by the NRDs

<b>Republican NRDs' Allocations for Groundwater Irrigation Use<sup>1</sup></b>				
<b>2018-2022 Allocation Period</b>				<b>2018-2020 Allocation Period</b>
	<b>Upper Republican NRD</b>	<b>Middle Republican NRD</b>	<b>Lower Republican NRD</b>	<b>Tri-Basin NRD (Allocations in effect ONLY in Phase 3 GQMA Union Twp)</b>
<b>Carry over amount that can be used in the following allocation period</b>	7.5 Inches/Acre (Max)	12 Inches/Acre (Max)	9 Inches/Acre (Max)	9 Inches/Acre (Max)
<b>Hard Cap</b>	None	15 Inches/Acre/Year <sup>2</sup>	13 Inches/Acre/Year (in a Compact Call Year)	None
<b>Pooling allowed?</b>	Yes	Yes	Yes	Yes
<b>How are the allocations affected by surface water use?</b>	Allocations are not affected by surface water use. Irrigators may use their full groundwater allocation, regardless of any surface water use.	Allocations are not affected by surface water use. Irrigators may use their full groundwater allocation, regardless of any surface water use.	Allocations are not affected by surface water use. Irrigators may use their full groundwater allocation, regardless of any surface water use.	Allocations are not affected by surface water use. Irrigators may use their full groundwater allocation, regardless of any surface water use.
<b>Special allocations for designated groundwater management areas? Or subbasins?</b>	None	None	None	None

<sup>2</sup> MRNRD Rules do not use the term "hard cap"

<b>Republican NRDs' Allocations for Groundwater Irrigation Use<sup>1</sup></b>				
<b>2018-2022 Allocation Period</b>				<b>2018-2020 Allocation Period</b>
	<b>Upper Republican NRD</b>	<b>Middle Republican NRD</b>	<b>Lower Republican NRD</b>	<b>Tri-Basin NRD (Allocations in effect ONLY in Phase 3 GQMA Union Twp)</b>
<b>Rapid Response Area Allocations?</b>	Not unless augmentation projects are insufficient to meet Compact obligations and Rapid Response Area allocations are needed. Allocations would depend upon projected Compact shortfalls.	None	See explanation below*	None
<b>Penalty for exceeding allocation</b>	For every inch of excess use, 2 inches of allocation lost for next allocation period.	See explanation below**	See penalty explanation below***	1.5 times the overuse amount
<b>Penalty for exceeding carry over</b>	2 inches carry-over deducted for every inch of carry-over used above 7.5 inches	For every inch of carry-over use in excess of 7.5" total during the allocation period, 2 inches of carry-over subtracted from remaining carry-over.	See penalty explanation below***	1.5 times the overuse amount

**\*Lower Republican NRD Rapid Response Area Allocations:**

During Non-Compact Call years, the Rapid Response Area has the same Allocation as the rest of the District. During a Compact Call Year, the Allocation shall be set at the maximum allowable that would not cause the District's depletions to streamflow to exceed the District's allowable Ground Water depletions after taking into consideration other actions and controls that the District would implement. As set forth in the IMP, DNR will perform all calculations relating to the District's forecasted allowable Ground Water depletions, forecasted depletions, and potential yield from implementing actions and controls.

**\*\*Middle Republican NRD Penalty for exceeding allocation:**

If an operator has exceeded his or her allocation, the allocation for the next allocation period shall be reduced by the number of acre inches, by which said allocation was exceeded in the prior period. A penalty of 1 inch for every inch over the first 3 inches and 2 inches for every inch over 3 inches of overuse will be applied.

Overuse of the adjusted base allocation during a Compact Call Year shall result in a penalty of 2 inches for every inch over the first 3 inches and 3 inches for every inch over 3 inches of overuse will be applied. This penalty will result in a correction to the remaining allocation following the compact call year. This penalty shall be in addition to the penalties imposed by 5-4.16 if the compact call year is the last year of an allocation period.

**\*\*\*Lower Republican NRD Rule 3-2 Penalties:**

3-2.1. Unless otherwise provided, imposition of penalties shall be at the discretion of the Board and may include, but are not limited to:

- (a) A reduction (in whole or in part) of a Person's Allocation of Ground Water;
- (b) A reduction (in whole or in part) of a Person's Certified Irrigated Acres; and
- (c) Decommissioning of Water Wells.

3-2.2. Where penalties are enumerated in the Rules and Regulations, the Board may impose additional penalties, up to and including a permanent forfeiture of Certified Irrigated Acres, and/or a permanent forfeiture of all future Allocations, under the following circumstances: (1) previous violations of any Rule or Regulation, (2) multiple violations of these Rules and Regulations, (3) engaging in willful and wanton misconduct, or (4) certification by the record owner to the District of the non-irrigation status of certain Certified Irrigated Acres in order to opt-out of an Occupation Tax levied by the District, which status is later found to be false in whole or in part.

3-2.3. Any Person who violates a cease and desist order issued by the District pursuant to *Neb. Rev. Stat. § 46- 707(h)* may be subject to a civil penalty assessed pursuant to *Neb. Rev. Stat. § 46-745*.

## NRD Terminology, Defined

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### Allocation

*Upper Republican NRD:*

Water use allowed over a 5-year period on a per-acre basis.

*Middle Republican NRD:*

The total amount of ground water granted by the Board to a ground water user within the allocation period. For purposes of allocated certified irrigated acres within a certified irrigated tract, this amount includes the base allocation and the allowable carryover from the prior allocation period; *Neb. Rev. Stat. § 46-706(15)*.

*Lower Republican NRD:*

Rule 2-2 (Allocation) As it relates to water use for irrigation purposes, means the allotment of a specified total number of acre-inches of irrigation water per certified irrigated acre assigned to that Regulated Water Well over the Allocation Period. As it relates to other purposes, the allotment of a determined quantity of Ground Water. Rule 2-4 (Base Allocation) An amount of Ground Water, in acre-inches, derived from dividing the Allocation by the Allocation Period.

*Tri-Basin NRD:*

Rule 8.5.2. Phase 3 GQMA (Union Twp.).

### Carry-over

*Upper Republican NRD:*

Unused allocation from previous allocation periods.

*Middle Republican NRD:*

Any unused portion of an allocation as set by the Board that can be carried forward to the subsequent allocation period. Maximum carryover is equal to next base allocation

*Lower Republican NRD:*

Rule 2-9 (Carry-Forward) That part of an Allocation that is unused during the base Allocation Period, which may be credited to a subsequent Allocation Period in accordance with District Rules and Regulations.

### Hard Cap

*Middle Republican NRD:*

With the designation of a Compact Call Year by the Nebraska Department of Natural Resources, the allocation for that calendar year will be restricted to 15 inches. (Note: The MRNRD does not call this a hard cap in their Rules and Regulations)

## Pooling

### *Middle Republican NRD:*

The common management of all or part of the certified acres and the associated allocation by two or more persons.

### *Lower Republican NRD:*

Rule 2-43 (Pooling Agreement) An agreement approved by the District between two or more Landowners for the purpose of allocating ground water among the total combined Certified Irrigated Acres identified in such agreement. Rule 2-44 (Pooling Arrangement) An arrangement approved by the District by a single landowner to combine more than one tract of land under common ownership for the purpose of allocating Ground Water among the total combined Certified Irrigated Acres identified in the arrangement.

### *Tri-Basin NRD:*

TBNRD Rules 8.5.7-8.5.7.15