

Memorandum

To: Papio-Missouri River Natural Resources District Programs Projects and Operations Subcommittee
From: Paul W. Woodward, PE, Groundwater Management Engineer
Date: September 1, 2020
Re: Amendment to Lower Platte River Consortium Interlocal Agreement

In August 2016, the District entered into an Interlocal Agreement amongst the Lower Platte South NRD, Lower Platte North NRD, City of Lincoln, Metropolitan Utilities District, and Nebraska Department of Natural Resources to form the Lower Platte River Consortium. The purpose of the Consortium is to study the long-term water supplies available to the lower Platte River sub-basin to enhance stream flows or aquifer storage during times of drought. The original term of the agreement was for three (3) years beginning September 27, 2016.

The District amended the original agreement last year to grant a one-year extension until September 27, 2020. The purpose of the enclosed Amendment to the Lower Platte River Consortium is to extend the duration of the agreement for another one (1) additional year, to September 27, 2021.

The study conducted by the Consortium has led to the development and adoption of the Drought Contingency Plan at the end of 2019. The next steps in the continuation of the Consortium are to implement the Drought Contingency Plan and coordinate each year to review potential drought conditions. The Consortium is still planning to conduct a drought table-top exercise late this year or early next year.

Management recommends that the subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed Amendment to the Interlocal Agreement for the Platte River Consortium with the Lower Platte South NRD, Lower Platte North NRD, City of Lincoln, Metropolitan Utilities District, and Nebraska Department of Natural Resources, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

LOWER PLATTE RIVER CONSORTIUM AMENDMENT

DNR Contract # 918

This Amendment to the original agreement is entered into by and between the following members, all of which are political subdivisions of and are situated in the State of Nebraska or an Agency of the State of Nebraska, and are collectively referred to as "Parties".

The Parties to this Amendment are identified as follows:

Nebraska Department of Natural Resources
Lower Platte South Natural Resources District
Lower Platte North Natural Resources District
Papio-Missouri River Natural Resources District
City of Lincoln
Metropolitan Utilities District

WHEREAS, the Lower Platte River Basin is geographically large and diverse in its geology, land use, ground and surface water supplies, and water uses. Each of the parties is charged with responsibilities for planning, managing, and/or supplying water resources. These Parties are located and carry out their functions in the lower sub-basin of the Lower Platte River Basin, but much of the water supplies that support these functions are derived from the upper sub-basins of the Lower Platte River Basin. The Parties desire to work together to evaluate the water supplies available to the Lower Platte River subbasin during times of shortages.

WHEREAS the original three-year term of this Interlocal Agreement was amended to extend an additional year and may be extended further by mutual agreement of the Parties pursuant to Provision 8 of the original Agreement, the Parties wish to extend the term again.

Therefore, in consideration of the mutual covenants expressed herein, good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to Amendment of the original Agreement as follows:

1. DURATION:

This Agreement to extend the term shall become effective and binding upon its approval by appropriate action of all of the Parties. The term of this Interlocal Agreement shall be one (1) year from the effective date of this amendment, unless further extended by the mutual agreement of all Parties.

2. All other provisions of the original Agreement remain in force.

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3. DUPLICATE COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be an original, but all such counterparts shall constitute one and the same instrument. This Agreement Is hereby approved and executed by the following Parties on the dates shown below.

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

BY: _____

DATE: _____

METROPOLITAN UTILITIES DISTRICT

BY: _____

DATE: _____

CITY OF LINCOLN

BY: _____

DATE: _____

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT

BY: _____

DATE: _____

LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT

BY: _____

DATE: _____

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

BY: _____

DATE: _____