

From: [Marvin Swanda](#)
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Aaron

Here is proposed oral part. I have taken some of the stuff out.
Gordon is reviewing the written part.

Marv

Oral Statement

**Aaron Thompson, Area Manager
Nebraska-Kansas Area Office**

**Regarding Regarding Proposed Integrated Management Plan for the
Middle Republican Natural Resources District**

January 8, 2008

Good afternoon and thank you for the opportunity to present an oral statement before you today.

My name is Aaron Thompson. I am the Area Manager of the Bureau of Reclamation's Nebraska-Kansas Area Office located in Grand Island, Nebraska. Also with me today is Marv Swanda, Manager of the McCook Field Office. I am presenting written and oral statements here today.

The Nebraska-Kansas Area Office is responsible for Reclamation projects located in Nebraska, Kansas, and Northeastern Colorado. Our office oversees 15 reservoirs. Seven of these are in the Republican River basin. Of these, 4 are located in Nebraska. Additionally, Reclamation administers an irrigation water supply from Harlan County Lake, which is a Corps of Engineers reservoir in the Republican basin.

Changes to the Compact accounting calculations resulting from the 2003 Settlement Stipulation included the accounting of all groundwater depletions and averaging the states' consumptive use and its Compact allocation over a period of years. Water released from Federal reservoirs becomes Compact water subject to allocation only after it is either diverted or flows by a Compact gage. Attempting to deliver stored water to Kansas as a means of making up for Compact deficits does not result in a one for one return to Nebraska. Any stored water that is released is first counted as a new supply that is subject to Compact allocation. Water released from reservoirs in Nebraska becomes Compact supply and is allocated accordingly.

Nebraska is currently using about 75% of the total water being used in the basin while it is allocated about 56% of the total Compact supply. This has created the present deficit of about 25,000 to 40,000 acre-feet annually.

Nebraska groundwater depletion is over 80% of the total groundwater depletion in the Basin. Although 2007 was a much better water supply year improving storage and streamflows, water short conditions will return in the future.

Reclamation is very concerned with Nebraska's failure to meet Compact compliance since Compact compliance accounting was reinitiated in 2003. Reclamation is even more concerned about the continuing depletion of inflows to the Federal reservoirs (namely Swanson, Hugh Butler, Harry Strunk, and Harlan County Lakes). 2006 Inflows to these lakes amounted to only 14% of the flows expected in the DPR. Federal projects were constructed based on the concept that project surface water rights would be protected. These project water rights are senior to the majority of the wells in the basin. Federal projects rely on use of upstream project return flows for downstream project supplies. Extensive groundwater use in the basin has negatively impacted the water supply for the Federal projects as well as resulting in serious overuse of water by Nebraska. Nebraska's use of groundwater has significantly changed the way water use is occurring in the Basin. According to the first four years of accounting calculations, Nebraska has accumulated a deficit or overuse of its allocation that will be extremely difficult to make up. Since Nebraska's groundwater depletion is significantly out of balance with Compact allocations, these groundwater uses and depletions must be further restricted to allow for a balance between use and supply as well as to realize Compact compliance. It should be noted

that water deliveries to Federal project irrigators have been significantly less than the pumping allocations allowed by this NRD.

There are significant differences in how groundwater and surface water use is counted as part of the Compact water supply. An irrigation district's use of storage water results in a greater increase in Nebraska's allocation than the increase in consumptive use - resulting in a positive net contribution to Compact compliance for Nebraska. The imbalance of groundwater depletions in the basin result in a deficit for Nebraska. It is obvious to Reclamation that use of available storage water from the federal projects by irrigation districts is beneficial to Nebraska's Compact compliance.

The Bureau of Reclamation expects the water rights associated with the Federal multipurpose projects be protected by the Nebraska Department of Natural Resources and the Natural Resource Districts so the federal projects can continue to be operated for their authorized purposes. Of grave concern is goal number 4 as stated in the draft IMP. Goal number 4 states "Reserve any streamflow available from regulation or supplemental programs, enacted or implemented to maintain Compact compliance from any use that would negate the benefit of such regulation or programs."

The Federal reservoirs and surface water irrigators have a severely diminished water supply. The interpretation that has to be assumed from Goal number 4 is there never will be an improved, restored surface water supply. This is not consistent with Nebraska Statute 46-703 and is not acceptable to Reclamation. It needs to be noted that the most senior water rights in the basin are the surface water rights that are currently not being provided “equity among water users” and with Goal number 4, will not be in the future.

Due to the reduced streamflow surface irrigators and their water rights have been adversely affected by receiving water supplies that are less than expected from the Federal projects. The reduced water deliveries have reduced the economic benefits provided by the projects. Other impacts associated with reduced streamflows include a reduction in reservoir levels in the Basin which reduces the recreational and fish and wildlife benefits associated with these projects.

I would like to note that Chapter 4 of the Integrated Management Plan states the goals and objectives of an integrated management plan must have as a purpose “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 can be achieved and maintained for both the near term and

the long term”. . Streamflows will continue to decline even with 20% reduction in pumping and with average hydrologic conditions and don't go far enough to provide the balance.

Sustained surface water inflows to the Federal reservoirs provide not only irrigation benefits, but also significant recreation and fish and wildlife benefits to the area. I would like to again note the water right priority dates associated with the Federal projects are prior to the dates that the majority of the groundwater development occurred. Therefore, in areas of groundwater-surface water interaction, we would request that specific consideration be given to surface water supplies for the Federal projects when establishing long-term and water-short year groundwater use amounts. The NRD and DNR have the responsibility to represent all of the water users who reside within the District boundaries as well as those that are affected downstream.

In 2007, the NRD Coalition signed agreements with several Irrigation Districts to lease portions of their water supplies to assist with Nebraska's Compact Compliance. Due to current pending litigation it is uncertain when or if payment may be made to these Irrigation Districts. This uncertainty could negatively affect the future working relationships of all parties involved, including this agency.

In conclusion, Reclamation is fully supportive of the Federal projects and the water users served by these projects. These projects should continue to operate as planned and authorized. Continued operation of these projects requires the protection of existing water rights and restoration of inflows to the reservoirs.

Again I thank you for the opportunity to present this testimony here today for your consideration would more than happy to have further discussions with the NRD or DNR relative to our testimony or other related topics . We are also submitting more detailed written testimony and specific comments related to the proposed rules and regulations for your consideration.