

From: [Swanda, Marvin R](#)
To: [Aycok, Gordon L](#)
Cc: [Scott, Craig D](#)
Subject: Brad Edgerton-Petition
Date: Wednesday, August 19, 2009 7:58:27 AM
Attachments: [Frenchman Cambridge"s hearing request \(127 KB\).msg](#)
[Brad Edgerton-Petition.doc](#)

Gordon

We wanted to get a response back to Brad on his request indicating that we will help from a tech. point. Do you think we would testify at the hearing?

Pls. review the letter. It is a simple reply at this time.

Thanks.

Marv

NK- 400

Brad Edgerton, Manager
Frenchman Cambridge Irrigation District
1310 West Highway 6 & 34
P.O. Box 116
Cambridge NE 69022

Subject: Republican River Basin Hearing Request, Frenchman-Cambridge Division,
Pick-Sloan Missouri Basin Program, Nebraska

Dear Mr. Edgerton:

This letter is in reference to your August 5, 2009 request for Reclamation's assistance and participation concerning the upcoming hearing by the Nebraska Department of Natural Resources related to the "Petition to Reevaluate the Republican River Basin to determine if such River Basin, Subbasin or Reach is Fully Appropriated or Over Appropriated".

Reclamation remains ready to work with your District to provide any technical assistance necessary for your preparation of the upcoming hearing.

If you have any questions, please contact me at the above address or telephone 308-389-5300 or Marvin Swanda at our McCook Field Office, telephone 308-345-1027.

Sincerely,

Aaron M. Thompson
Area Manager

Bc: GP-1100 (GCampbell)
GP-4600 (PErger, GAycock)
NK-400 (MSwanda)

WTR-4.00 ARM

From: Brad Edgerton <Brad.Edgerton@fcidwater.com>
Sent: Thursday, August 6, 2009 3:54 PM
To: Thompson, Aaron M <AThompson@usbr.gov>
Cc: Swanda, Marvin R <MSwanda@usbr.gov>; Stan Goodwin <goodlaw@mccooknet.com>
Subject: Frenchman Cambridge's hearing request
Attach: image002.jpg;FCID notice of hearing.pdf;Requeste for Reclamation partisipation Aug 5 2009.pdf

Aaron

Yesterday I sent you a letter asking for Reclamation's assistance with the pending over appropriated hearing.

Does Reclamation need to file a responsive pleading with DNR prior to the 20 day period noted in the notice of proceedings? I believe the 20 days will be up next Monday.

Stan indicated that it was dated July 21st.

Brad

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www.fcidwater.com
Brad Edgerton, Manager
Frenchman Cambridge Irrigation District
P.O. Box 116
Cambridge NE 69022
[cid:image002.jpg@01CA16AE.108CE470]
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Fax 308-697-3218
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Email: Brad.Edgerton@fcidwater.com NEW

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Thank you.



STATE OF NEBRASKA

BEFORE THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the April 13, 2009 Order)	Docket 012-09CC
of the Department of Natural Resources)	NOTICE OF PROCEEDING
)	
Water Division 1-B)	

BE HERE NOTICED, subject to Neb. Rev. Stat. § 61-206(1) and Nebraska Administrative Code, Title 454, Department of Natural Resources Rules of Practice and Procedure, that a request for hearing was timely filed with the Department May 7, 2009 regarding the Department’s April 13, 2009 Order (“Order”) denying a February 9, 2009 Petition (“Petition”) filed by Frenchman-Cambridge Irrigation District (“FCID”) pursuant to § 46-713(2). The Petition was entitled “Petition to Reevaluate the Republican River Basin to Determine if such River Basin, Subbasin or Reach is Fully Appropriated or Over Appropriated.” The Department denied the Petition without a hearing, and FCID now requests a hearing before the Department on the Order, and the opportunity to present additional evidence at hearing in support of the Petition. All subsequent pleadings shall be served upon attorneys of record using the caption and case number above, and proof of such service shall be filed with the agency. The party who chooses to file a responsive pleading shall do so within twenty days of this mailing.

A party who fails to participate in the hearing or fails to comply with a prehearing order may be held in default under the Administrative Procedure Act. A party may appear on his or her behalf in the contested case proceeding or may be represented by an attorney or other representative as permitted by law. Each party requesting a hearing will pay his or her proportional costs of the hearing transcripts.

Jean Angell, DNR Staff Attorney, will appear for the Department in the hearing. Ron Theis, DNR Staff Attorney, is appointed by the Director to serve as hearing officer for the Department. Either may be reached at the Department’s address and phone number; 301 Centennial Mall So., 4th Floor, State Office Building, P.O. Box 94676, Lincoln, NE 68509-4676; 402 471 2363.

The hearing officer has notified the agency of the determination that a prehearing conference may be conducted, in order to plan for this contested case hearing, at a time and place to be arranged after the period for an answer to be filed.

_____, this ___ day of July, 2009

Ron Theis, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned certifies that this Notice of Proceeding was sent by United States Mail, first class, postage prepaid, on July __, 2009 to:

Stanley C. Goodwin, # 11544, Attorney for FCID
116 West C St.
P.O. Box 607
McCook, NE 69001
(308) 345 2580
(308) 345 2581 (FAX)

Jean Angell, # 19503, Attorney for DNR
Nebraska Department of Natural Resources
P.O. Box 94676
Lincoln, NE 68509-4676
(402) 471 2363
(402) 471 2900 (FAX)

Ron Theis, Hearing Officer

FRENCHMAN CAMBRIDGE IRRIGATION DISTRICT

Brad Edgerton, Manager
Dale Cramer, President
Merlin Brown, Vice Pres.
Steve Henry, Sec. / Treas.



www.fcidwater.com

"Water is Life"

August 5, 2009

Aaron Thompson, Area Manager
Bureau of Reclamation
Great Plains Region
Nebraska – Kansas Area Office
P.O. Box 1607
Grand Island, NE 68802-1607

Reference: Frenchman Cambridge Irrigation District's request for hearing

Dear Mr. Thompson

As you know, Frenchman Cambridge Irrigation District (District) filed a petition with the State of Nebraska Department of Natural Resources (DNR) asking that the Republican River Basin (Basin) be reevaluated as to whether the Basin is fully appropriated or over appropriated. On April 13, 2009 the District received an order from the DNR denying our request without a hearing. On May 7th 2009 the District requested a hearing and on July 22, 2009 received notice that the District was granted a hearing.

It's the belief of the District's board that a reevaluation of the Basin by DNR will demonstrate the need for further reductions in ground water pumping to bring surface water appropriations in balance with ground water pumpers.

Reclamation is the single largest surface water appropriator in the Republican River Basin and has a contract with the District to deliver water to the project acres. Therefore the District respectfully request Reclamation's resources and assistance with the preparation and participation of this upcoming hearing.

Sincerely,

Brad Edgerton, Manager
Frenchman Cambridge Irrigation District