

**From:** [Swanda, Marvin R](#)  
**To:** [Scott, Craig D](#)  
**Subject:** FW: Colorado's overuse of water  
**Date:** Friday, May 29, 2009 9:26:09 AM  
**Attachments:** [image001.jpg](#)

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From: Aycock, Gordon L  
Sent: Friday, May 29, 2009 9:30 AM  
To: Swanda, Marvin R  
Cc: Erger, Patrick J; Campbell, Gary W  
Subject: RE: Colorado's overuse of water

I generally agree with Brad, that's the way it should work. The missing link is the accounting methodology. Under the accounting, the more the states use the larger the pie becomes and the less the states use the smaller the pie becomes. If CO cuts its use by 10,000 af it doesn't necessarily mean that Kansas will gain 10,000 af. The pie may simply shrink by 10,000 af and Kansas may not gain anything. The thing that's missing is the large amount of non-beneficial depletions that aren't accounted for, especially within the stream channels. We could remove Bonny reservoir to reduce evap and the water that is currently being lost to evap could then be lost in the stream channel by ET or end as groundwater recharge which may never show back up in the stream. Since stream channel losses are not accounted for (either ET or groundwater recharge) the water will then simply disappear. It is somewhat of a shell game.

Gordon L. Aycock  
Technical Specialist  
Reservoir Operations & Water Rights  
Bureau of Reclamation  
Great Plains Regional Office  
P.O. Box 36900  
Billings, MT 59107-6900

Phone: 406-247-7756

From: Swanda, Marvin R  
Sent: Friday, May 29, 2009 7:10 AM  
To: Aycock, Gordon L  
Subject: FW: Colorado's overuse of water

Any thoughts on Brad's email?

From: Brad Edgerton [<mailto:Brad.Edgerton@fcdwater.com>]  
Sent: Friday, May 15, 2009 11:31 AM  
To: Dale Cramer; Merlin Brown; Steve Henry  
Cc: 'Stanley Goodwin'; lee@h2oboy.net; Thompson, Aaron M; Swanda, Marvin R  
Subject: Colorado's overuse of water

All

The following is a profound way of thinking about Colorado's overuse of their compact allocation, however I think this will be the AGs position on whether or not FCID is being harmed by Colorado's overuse.

It is true that Colorado is overusing her supply by about 11,000 per year on average.  
It's a "zero sum gain", (Jim Schneider, DNR) what does this mean?

The compact divides the water supply between the states 11% CO, 49% NE and 40% KS. If Nebraska is consuming her 49%, she is and more, how can the State of NE be harmed by Colorado?  
The AGs office will say Nebraska has not been harmed by Colorado's overuse because we have consumed our 49% it's true that FCID has been harmed but the State of Nebraska as a whole has not been harmed, therefore the AGs office will do nothing!

In 2008 it looks like Nebraska will be in compliance with the compact by about 2000 AF for the 5 year average, if this is true than we could say that Colorado has harmed FCID by 10,000 AF or 2,000 per year for the past 5 years.

It makes sense but it sure doesn't seem fair.

Zero sum Gain: The size of the pie does not change only the size of the 3 pieces. Therefore if Nebraska is overusing and Colorado is overusing then Kansas is the only one with a piece smaller than it should be.

Any comments?

Brad

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[www.fcidwater.com](http://www.fcidwater.com)

Brad Edgerton, Manager  
Frenchman Cambridge Irrigation District  
P.O. Box 116  
Cambridge NE 69022  
[cid:image001.jpg@01C9E034.6B163AF0]

Phone 308-697-4535  
Fax 308-697-3218  
Cell 308-737-6221  
Email: [Brad.Edgerton@fcidwater.com](mailto:Brad.Edgerton@fcidwater.com) NEW

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