

From: [Swanda, Marvin R](#)
To: [Aycock, Gordon L](#)
Subject: FW: FYI finalized briefing paper
Date: Wednesday, November 17, 2010 2:53:06 PM
Attachments: [RepublicanRCompactNeKs\(RRIDsComm\)15Nov10.docx](#)

From: Esplin, Brent
Sent: Wednesday, November 17, 2010 2:50 PM
To: Swanda, Marvin R; Scott, Craig D
Subject: FW: FYI finalized briefing paper

FYI.

From: Radzykewycz, Karen L
Sent: Wednesday, November 17, 2010 12:07 PM
To: Thompson, Aaron M; Esplin, Brent
Cc: Salter, Terri
Subject: FYI finalized briefing paper

FYI. Here is a copy of the finalized briefing paper submitted for the Nov 16 meeting with the Frenchman Cambridge and Nebraska Bostwick Districts.

*Video Conference with Commissioner, GP Region and NKAO
November 16, 2010; 2:30 pm
Commissioner's Conference Room*

BUREAU OF RECLAMATION

BRIEFING FOR: Commissioner Michael L. Connor

DATE: November 15, 2010

ISSUE: **Republican River Compact** (Compact) – video conference with Frenchman Cambridge and Nebraska Bostwick Irrigation Districts (Districts)

CURRENT STATUS: The Nebraska Department of Natural Resources (DNR) and local Natural Resources Districts (NRDs) have recently revised two of the three Integrated Management Plans (IMPs). The stated goals and objectives of the IMPs are: "...sustaining a balance between water uses and water supplies." However, most of the senior water rights in the Republican River basin are surface water rights which the water rights holders believe are not currently being provided "equity among water users." The revised IMPs include a proposal to curtail surface water use and bypass inflows through the federal reservoirs in order to ensure Compact compliance during water short years. The Districts are concerned that the IMPs fail to protect their water rights and are concerned about their long-term viability. In May 2010, Reclamation provided testimony on the two revised IMPs and have been collaborating with the Lower Republican NRD as it prepares revisions to its IMP. Reclamation has also met and exchanged correspondence with DNR in an attempt to better understand how the IMPs will be administered and how the Federal projects will be impacted.

BACKGROUND: Nebraska remains out of compliance with the Compact between Nebraska, Colorado and Kansas. In accordance with a Final Settlement Stipulation (FSS) for non-binding arbitration, an arbitrator rejected Nebraska's position that the current IMPs were adequate to maintain Compact compliance during water short years. The FSS recommended that additional reductions in groundwater allocations be made and that Nebraska secure long-term access to surface water rights by June 2009. Reclamation testified at the Arbitration hearing that the groundwater pumping allocations in the IMPs should be reduced significantly to ensure long-term Compact compliance and to improve surface water supplies. Without reductions in the groundwater allocations, surface water supplies will not be consistently available. The protection of groundwater irrigation at the expense of surface water irrigation has become a socio-economic issue in Nebraska – safeguarding the future of their local economy.

On October 4, 2010, the Supreme Court asked the Solicitor General to provide the position of the United States on the issues addressing Kansas' Petition to enforce the FSS for the Compact. Reclamation has taken the position that the Supreme Court should accept Kansas' Petition. By November 17, detailed briefings will be provided for the Solicitor General to respond to the Supreme Court within eight weeks of the Kansas filing.

POSITION OF INTERESTED PARTIES: Nebraska believes the revised IMPs will allow them to be in Compact compliance in all years. Due to the potential curtailment of surface water use, the Districts and Reclamation are concerned that these plans will negatively affect the Districts' financial viability. The Districts believe that if surface water is curtailed and inflows are bypassed, the value of Reclamation's storage rights and storage use rights will be diminished. The Districts also feel Reclamation should continue to be a strong partner to ensure the protection of the Districts and Federal projects.

RECOMMENDATION: Reclamation should continue to collaborate with Nebraska as it seeks compliance with the Compact. In doing so, Reclamation should continue to insist Nebraska work on long-term solutions that reduce the groundwater depletions and restore stream flows to ensure Compact compliance. Effort should also be made to protect the Federal investment and the project beneficiaries in the Republican River Basin. Reclamation should continue to collaborate with the DNR, NRDs and Districts to protect and operate its projects.

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