

From: [Swanda, Marvin R](#)
To: [Aycok, Gordon L](#); [Scott, Craig D](#)
Subject: FW: Meeting notes
Date: Tuesday, November 02, 2010 1:51:48 PM

From: Thompson, Aaron M
Sent: Tuesday, November 02, 2010 2:24 PM
To: Swanda, Marvin R
Subject: Meeting notes

Marv, here are some thoughts/notes from our meeting morning.

- * Reply by first of next week;
- * Focus on the differences, what is new about this petition, what is new and different;
- * Commissioner, we will support; would not take sides at this time , only supplying information that is relevant to the case;
- * Point is that the issue is ripe that the court; staying neutral;
- * NO background in our reaction to the Petition
- * Do the briefs talk about federal projects? How they were designed to fit within the basin?, help them understand that they were designed with an expected yield;
- * Describe how fed projects have been negatively impacted by GW pumping;
- * X graph;
- * Focus on years 1998-present;
- * What NE is doing has not been fully accomplished/implemented, so will it work.
- * Afternoon of the 17th; 1:00NE, 2:00KS, 3:00 FEDS; they will ask the CORP of engineers;
- * Provide UNL GW levels; USGS maps also;
- * There is a Federal interest in water rights; IRR are concerned about our performance and fiduciary duty; we are one of the injured parties; Would be fair for SOL GEN to ask the states based on the trend line - have we been affected?; for instance; if you have GW levels declining according to the USGS then would are projects be affected;
- * Speak to the issues; on our understanding;
- * We have a property right and our own professional judgment that these rights have been harmed;
- * We have an honest and sincere difference with the state of NE that the 3rd generation IMP is not adequate are written.
- * The issue of compensation - nobody (NRD's or DNR) has confirmed it in writing.
- * Not part of our assignment - Unjust enrichment; Nebraska' s accounting;
- * Need to response to CO brief;

