

From: [Swanda, Marvin R](#)
To: [Scott, Craig D](#)
Subject: Fw: MRNRD surface water controls added to the IMP
Date: Friday, February 12, 2010 8:56:27 AM
Attachments: [image001.jpg](#)

From: Chaffin, John
To: Ryan, Michael J; Thompson, Aaron M; Swanda, Marvin R; Aycock, Gordon L; Erger, Patrick J; Fritz, Daniel (Dan) S; Esplin, Brent; Olsen, Margaret (Rae); Petersen, Lois Ann
Cc: Wirkus, Karl E; Soucy, John F; Campbell, Gary W; Quint, Robert J (Bob); Finkler, Kira L; Birdwell, Sabina; Buchholz, Marcia L; Thompson, Dionne E; Maucieri, Mathew
Sent: Fri Feb 12 08:34:57 2010
Subject: RE: MRNRD surface water controls added to the IMP

Thanks Mike. I will be talking to DC and to LeRoy Sievers in the near future. Will be prepared to discuss options.

From: Ryan, Michael J
Sent: Friday, February 12, 2010 8:19 AM
To: Thompson, Aaron M; Swanda, Marvin R; Aycock, Gordon L; Chaffin, John; Erger, Patrick J; Fritz, Daniel (Dan) S; Esplin, Brent; Olsen, Margaret (Rae); Petersen, Lois Ann
Cc: Wirkus, Karl E; Soucy, John F; Campbell, Gary W; Quint, Robert J (Bob); Finkler, Kira L; Birdwell, Sabina; Buchholz, Marcia L; Thompson, Dionne E; Maucieri, Mathew
Subject: FW: MRNRD surface water controls added to the IMP

Good morning,

Here's some additional information on Republican River Natural Resource District's updating their Integrated Management Plans (IMPs).

NKAO folks: How long is the comment period and how do you suggest we develop Reclamation comments? Perhaps we should ...

1. Start with the comments we made the last go around;
2. Amplify those with language from the Arbiter's (Mr. Karl Dreher) recent decision in the Kansas v. Nebraska alternative dispute resolution; and,
3. Include something to the effect that although we want to work with the parties on constructive solutions we believe our efforts are being rebuffed and we examining options on how to best proceed. John Chaffin, I'm thinking we'll look to the Solicitor's Office to advise us of potential Nebraska administrative and/or legal remedies should the IMPs fail to provide reasonable recognition of Reclamation's water rights.

Please allow time for us to brief the Commissioner's Office and get their concurrence prior to transmitting Reclamation's comments. We also need to think through scheduling conversations with the Republican River Project's Irrigation Districts and Nebraska's Department of Natural Resources. (If I remember correctly, doesn't the Department of Natural Resources have to concur or approve of the IMP's?)

Commissioner's folks: This is a volatile topic. It involves over development of groundwater pumping within the Republican River Basin in southern Nebraska. It's been going on for several decades and slowly eroding surface water flows. It's to the point that Nebraska is out of compliance with the Republican River Compact agreed to by Colorado, Nebraska, and Kansas during the middle of last century. Kansas took Nebraska to arbitration and the arbiter told Nebraska they need to update their groundwater management plans. What you see attached to this e-mail are sections from the draft Integrated Management Plans (IMPs) prepared by the Natural Resource Districts (they were created by Nebraska years ago to manage groundwater pumping). Irrigation Districts (especially Frenchman-Cambridge Irrigation District managed by Mr. Brad Edgerton) believe the IMPs do not reduce groundwater pumping enough. The irrigation districts are also concerned the IMPs will render their (and Reclamation's) surface water rights ineffective. As the rhetoric heats up, the surface water irrigators and groundwater pumpers continue to circle while slowly closing the distance between them.

Rae Olsen and Ann Petersen: Please work with NKAO and GP-4000 to update our briefing paper on this topic. (Rae, the Commissioner's Office may appreciate a bit more background to help place this issue in context.)

Thanks everybody.
Mike.

From: Brad Edgerton [<mailto:Brad.Edgerton@fcdwater.com>]
Sent: Thursday, February 11, 2010 6:37 PM
To: Dale Cramer; Jay Schilling; Merlin Brown; 'Steve Henry'
Cc: Swanda, Marvin R; Thompson, Aaron M; Ryan, Michael J; LeRoy W. Sievers; Aycock, Gordon L
Subject: FW: MRNRD surface water controls added to the IMP

My mistake, I missed the last line of the MRNRD where it says "Storage use permits will not be closed"
However, I just got a copy of the LRNRD IMP and it indicates that storage use permits will be closed "to the extent necessary".

In my opinion none of these are reasonable. (see 46-716)
Brad

All

The MRNRD handed out copies of their Draft IMPs Tuesday night.
The surface water controls say that the natural flow permits will be closed and the storage permits will be closed.
They either choose not to include the storage use permits or missed it.
it also says "as necessary" to comply, so they could close storage use permits if needed.
They don't give a priority date on the "Compact Call" so it must trump everything.

Brad

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