

From: [Swanda, Marvin R](#)
To: [Aycok, Gordon L](#)
Subject: FW: Republican River Briefing Paper - Budget
Date: Monday, January 11, 2010 7:02:24 AM
Attachments: [RepublicanRCompactNeKs - Sec2010_1-11.docx](#)

fyi

From: Esplin, Brent
Sent: Friday, January 08, 2010 2:31 PM
To: Petersen, Lois Ann
Cc: Thompson, Aaron M; Scott, Craig D; Swanda, Marvin R
Subject: Republican River Briefing Paper - Budget

Ann:

Attached is the Republican River briefing paper that was requested this past Tuesday. Craig Scott did a good job of capturing the key points in a bullet format. Let me know if you have any questions.

-Brent

BUREAU OF RECLAMATION

BRIEFING FOR: Secretary Ken Salazar

DATE: January 11, 2010

ISSUE: **Republican River Compact** (Compact) Settlement, Compliance, and Arbitration – Nebraska and Kansas

KEY POINTS:

- Extensive groundwater use in Nebraska and Colorado has significantly impacted the water supply for the Federal projects
- Kansas has alleged Nebraska had failed to comply with the Compact by failing to address groundwater depletions in a substantive way
- In October 2008, the states gave notice they were invoking non-binding arbitration pursuant to the Final Settlement Stipulation (FSS)
- The Arbitrator rejected Nebraska's position that the current Integrated Management Plans (IMPs) are adequate to maintain Compact compliance during critical "water short" years and recommended additional reductions in groundwater allocations
- In response to the Arbitrator's decision, Nebraska Department of Natural Resources (DNR) and local Natural Resource Districts (NRDs) are proposing revisions to the current IMPs to ensure Compact compliance during "water short" years

BACKGROUND:

- The Three-state Compact was established so the Federal projects would be constructed
- During initial project planning, Reclamation made every effort to develop projects that were within each state's share of the Compact allocations
- U.S. Supreme Court case, *KS v. NE* - Kansas alleged that NE violated the Compact "by allowing the proliferation and use of thousands of wells. . .by failure to protect surface flows. . .and by other acts and omissions.
- NE has exceeded its Compact allocation for the first five years of Compact Compliance calculations
- In 2008, DNR and NRDs developed IMPs which, at the time, they believed would enable Nebraska to maintain Compact compliance

CURRENT STATUS:

- DNR has offered three options to the NRDs to keep Nebraska in compliance during "water short" years
- The proposed plans include curtailing surface water use and bypassing inflows through Reclamation reservoirs
- Due to potential curtailment, Republican River Basin Irrigation Districts are concerned if these plans are adopted they will not be able to remain financially viable
- Republican River Basin Irrigation Districts want Reclamation to become a bigger player in forcing DNR and NRDs to develop IMPs that will protect and restore reservoir inflows
- Proposed actions by the Republican River Natural Resource Districts (NRD) will not protect or restore the water supply to the Federal projects

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REPUBLICAN RIVER BASIN

