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Subject: NWRA Briefing for Commissioner
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Attachments: [2007CommissionerBriefNWRA112007.doc](#)

Aaron

Here's a draft briefing for the Comm. meeting at NWRA with AG's office and NRDs.

Let me know what else is needed.

Steve

BUREAU OF RECLAMATION

BRIEFING FOR: Commissioner Robert W. Johnson

DATE: October 15, 2007

PUPOSE OF PAPER: Meeting with Nebraska delegation at NWRA concerning future purchases or leasing of Reclamation project water for use by Nebraska in achieving Republican River Compact compliance.

CURRENT STATUS: In an effort to achieve compliance with the Republican River Compact Settlement, the State of Nebraska enacted LB 962 in 2004 which requires the Department of Natural Resources (DNR) and the Natural Resource Districts (NRD) to develop an integrated surface water/ground water management plan (IMP) for fully appropriated basins, which includes the Republican River basin. The goal of this management plan is to "... sustain a balance between water uses and water supplies . . . for both the near term and long term." The law requires that the "... ground water and surface water controls and rules and regulations in the plan . . . ensure that the state will remain in compliance with applicable interstate water compacts, decrees or other formal agreements, and protect existing surface water users and ground water wells that are dependent on recharge from the river or stream."

Current concerns of the DNR and Republican River NRD:

- Nebraska has exceeded its Compact allocation every year, beginning in 2002 when the Republican River Compact Settlement accounting was first implemented;
- Kansas Attorney General has stated that Compact compliance by Nebraska is not an "option" – it is required by the Supreme Court Settlement; Kansas will take "fairly quick and decisive action" to enforce Compliance by Nebraska and Colorado;
- Need for assurance that future "purchases or leases" of Reclamation project water by DNR and/or the NRD's can occur for use by Nebraska in achieving Republican River Compact compliance.

The primary interest of the NRD's is safeguarding the future of groundwater irrigation. The NRD's are interested in pursuing agreements with irrigation districts that could include: permanent retirement of project (surface) irrigated lands; reformulation of projects; dissolution of irrigation districts; temporary purchase/lease of project water for in-stream flow delivery to Kansas, etc.

BACKGROUND: Under the terms of the Republican River Compact Settlement Stipulation, dated December 15, 2002, Compact accounting is performed using a five-year running average. The first five-year running average period is 2003-2007. During water short years, the accounting is also performed on a two-year running average. The first two-year water short year accounting period ended in 2006. Nebraska over used its allocation for this two year accounting, and will have exceeded its allocation for the first five-year running average.

POSITION OF INTERESTED PARTIES: The NRD's with assistance from DNR are developing IMP's to restrict consumptive use in order to come into Compact compliance. Reclamation projects are water short and the shortage is growing. Reclamation is concerned that the IMP's may not effectively protect or restore surface water inflows into our reservoirs, and will be successful in achieving Compact compliance only with the annual purchase of available project surface water.

RECOMMENDATION: Reclamation should make every effort to protect project water supplies for the benefit of all project authorized purposes, including recreation, fish and wildlife. Reclamation should insist that the NRD's and DNR implement IMP's that will protect and restore inflows, which will allow our projects to remain viable. Surface water supplies could then be made available for sale or lease

during severe water short years. Annual surface water purchases should not be a requirement for Nebraska to meet Compact compliance.

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