

From: [Swanda, Marvin R](#)
To: [Scott, Craig D](#)
Subject: RE: Revise Commissioner Briefing Papers for Mike Connor's Orientation-DUE 5/21
Date: Thursday, May 14, 2009 10:07:33 AM
Attachments: [RepublicanRCompactNeKs - Comm2009_5_14.doc](#)

Added ground water to last parag.

From: Scott, Craig D
Sent: Thursday, May 14, 2009 10:21 AM
To: Swanda, Marvin R
Subject: RE: Revise Commissioner Briefing Papers for Mike Connor's Orientation-DUE 5/21

Marv, attached is an updated brief for the Commissioner. Please review.

Craig

From: Swanda, Marvin R
Sent: Monday, May 11, 2009 3:42 PM
To: Scott, Craig D
Subject: FW: Revise Commissioner Briefing Papers for Mike Connor's Orientation-DUE 5/21
Importance: High

From: Esplin, Brent
Sent: Monday, May 11, 2009 3:31 PM
To: Swanda, Marvin R
Subject: FW: Revise Commissioner Briefing Papers for Mike Connor's Orientation-DUE 5/21
Importance: High

Marv: See attached message from Ann. We need an updated briefing paper related to the Republican River Compact in the Commissioner's format. They are due to the Region by 21 May. If possible, please have the briefing paper to here by close of business on Friday of this week.

-Brent

From: Petersen, Lois Ann
Sent: Monday, May 11, 2009 9:01 AM
To: Allard, James; Breitzman, Dennis E; Collins, Michael (Mike) P; Esplin, Brent; Gere, Gregory S; Gillett, Rachel; Jewell, Daniel (Dan) E; Lawson, John H; McKeral, Cathleen J (CJ); Myler, Lyle D; Reichert, Thelene (Tami); Sawatzke, Thomas (Tom) G; Schlierkamp, Carmen; Thompson, Aaron M; Trevino, Mark A; Weimerskirch, MickiJ; Womack, Sharlene C; Fritz, Daniel (Dan) S
Cc: Gould, Jacklynn L; Nelson, Richard D; Waters, Alicia L; Hall, Joseph E; Olsen, Margaret R (Rae); Campbell, Gary W; Soucy, John F; Ryan, Michael J; Jordan, Stefanie K; Cole, William (Bill) D
Subject: Revise Commissioner Briefing Papers for Mike Connor's Orientation-DUE 5/21
Importance: High

We are going on the assumption that if confirmed/sworn in as Commissioner by the time the Western Water Law, Policy and Management 2009 Summer Conference in Boulder, CO (June 3-5), it would be an opportunity to have a brief orientation for Mr. Mike Connor to the Great Plains Region.

Attached are most recent briefing papers I have which may or may not be in the Commissioner's briefing format. Also attached is a blank Commissioner's format which is the format that these briefing papers should be in - remember one page limit, also 12 pt is preferred. We can and will brief Mr. Connor in more detail later as needed, so this will be an introduction to the Great Plains Region. Please have them to me by no later than May 21, though earlier is always good.

MTAO:
St. Mary's
Yellowtail Operations
Lower Yellowstone ESA

DKAO:
Red River Valley
NAWS
Heart Butte Trailers - Exclusive Use

WYAO:
Platte River Recovery

NKAO:
Republican River compact

ECAO:
Windy Gap Firming Project
Northern Integrated Water Supply Project
Arkansas Valley Conduit
City of Aurora litigation
Northern Colorado Water Conservancy District Repayment
Southern Delivery System

OTAO:
City of Austin Wastewater Reuse

GPRO:
GP Regionwide - Quagga/Zebra mussels
(the latest attached briefing paper is only for ECAO, but would like a more region-wide approach)

Thanks,

L. Ann Petersen
Special Assistant
Great Plains Regional Office
406-247-7608

BUREAU OF RECLAMATION**BRIEFING FOR:** Commissioner**DATE:** May 15, 2009**ISSUE:** Republican River Compact (Compact) Settlement Implementation--Nebraska & Kansas

CURRENT STATUS: Nebraska exceeded its share of Compact water during 2003-2007. Kansas has alleged Nebraska has failed to comply with the Compact by failing to address groundwater depletions in a substantive way. As a result, Kansas initiated FSS Dispute Resolution procedures. Kansas provided Nebraska with their proposed remedy which included: entry of an order by the Supreme Court finding Nebraska in violation of the Court's decree; payment to Kansas of \$73,365,133 for Nebraska's overuse of basin allocation for Water Short Years 2005 and 2006; and shutdown of wells and groundwater irrigation in Nebraska within 2 ½ miles of the Republican River and its tributaries. Nebraska's use exceeded its allocation for Water Short Years 2005 and 2006 by an estimated 82,000 acre-feet. Nebraska rejected the remedy proposed by Kansas and raised concerns about Kansas' proposed remedy and the Republican River Compact Administration (RRCA) accounting procedures for calculating each states consumptive use. Subsequently, Nebraska and Kansas submitted their dispute to the RRCA in accordance with the Final Settlement Stipulation (FSS) Dispute Resolution procedures. The issues submitted to the RRCA by Nebraska and Kansas were addressed but not resolved. On October 21, 2008, the States gave notice they were invoking non-binding arbitration pursuant to the FSS. In preparation for the Arbitration hearing both Nebraska and Kansas submitted a FOIA request to Reclamation. As part of the request from Kansas, Reclamation was also requested to appear as a witness in the Arbitration trial. Reclamation provided depositions to Nebraska and Kansas on April 7, 2009 and provided testimony before the Arbitrator on April 14, 2009.

BACKGROUND: The water supply of the Republican River is allocated to the States of Colorado, Kansas and Nebraska through the Republican River Compact approved by Congress in 1943. In 1998 Kansas filed suit in the U.S. Supreme Court alleging Nebraska had violated the Republican River Compact by overusing groundwater which depleted surface flows. The lawsuit resulted in a Final Settlement Stipulation (FSS) in 2002 which provided for Compact accounting included stream depletions attributable to groundwater use. Each year since FSS accounting was implemented (2003), Nebraska has exceeded its allocation. The FSS includes requirements for administration of both surface and groundwater to meet Compact allocations. The State of Nebraska enacted LB 962 in 2004 which requires the Department of Natural Resources (DNR) and the natural resource districts (NRDs) to develop an integrated surface water/ground water management plan for fully appropriated basins, which includes the Republican River Basin. DNR and the NRDs have developed and formally adopted integrated water resources management plans they claim will enable Nebraska to maintain compliance with the Compact.

POSITION OF INTERESTED PARTIES: Reclamation projects are experiencing water shortages due to depleted inflows to the reservoirs, which is significantly reducing irrigation, recreation, fish and wildlife benefits associated with the projects. Reclamation believes consumptive use of ground water in the basin must be reduced to restore stream flows and to bring Nebraska into compliance with the Compact.

RECOMMENDATION: Reclamation is fully supportive of the Federal projects and these projects continuing to operate as planned and authorized. Continued operation of these projects requires the protection of existing water rights and restoration of inflows to the reservoirs.

PREPARED BY: Michael J. Ryan, Regional Director, Great Plains Region, (406) 247-7600