



Reclamation's specific concerns and questions regarding the proposed IMP's are:

1. IMPs Goal – “protect ground water and surface water users...from stream flow depletions caused by surface water or ground water uses begun after the date the river basin was designated as fully appropriated”. This goal is not being met and will not be met by the proposed IMPs. Records indicate depletions from ground water have increased since 2004 and ground water levels are continuing to decline. What effects, if any, will reducing ground water pumping by 20% from the 1998 – 2002 baseline have on groundwater levels in the basin?
2. IMPs Goal – “reserve any stream flow available from regulation, incentive programs, and purchased or leased surface water required to maintain compact compliance from any use that would negate the benefit of such regulations or programs...” Since any water that appears as stream flow is subject to storage and surface water use in accordance with Nebraska state statutes, how does the state intend to meet this goal?
3. The URNRD IMP requires a 20% reduction in pumping to a level no greater than 425,000 acre-feet but then allows higher pumping above 425,000 acre-feet in years with lower than average precipitation. Years with below average precipitation are also “water short” years. Allowing higher pumping levels in these years works against compliance and equity between surface water users and ground water users. What do you expect the pumping volumes will be during a “Compact Call” year?
4. The URNRD's current pumping volumes are near a 20% reduction from the '98-'02 baseline volumes discussed in the IMP. The '98-'02 baseline is not representative of average pumping as this was a dry period when pumping rates were high. Reductions need to be higher to improve surface water supplies and achieve long-term compliance. Reducing allocations by more than 20% will provide a cushion to offset deficits in dry or water short years. This would reduce the need for other users to unfairly make up the deficit. Does reducing groundwater pumping by 20% from the 1998-2002 baseline reduce Nebraska's future groundwater impacts? Will this be sufficient to prevent ground water mining in the basin?
5. The proposed IMPs do not address improving long-term surface water flows nor make up existing deficits. Improved surface water flows will be needed to achieve long-term compliance. What effects does reducing the ground water pumping by 20% from the baseline have on base surface water flows in the basin?

6. The Surface Water Controls as described in Section VII.F are vague and do not describe the intent of "Compact Call." Is there a priority date for the "Compact Call"? If so what is the priority date for the "Compact Call"?
7. The IMPs do not define "allowable surface water depletions." A better understanding of the surface water user's share of allowable depletions is needed. Surface water supplies are already reduced during "water short" years.
8. Ground water consumptive use has remained the same or increased and, under the IMP, a higher volume of ground water pumping is allowed in years with below average precipitation. This is completely contrary to providing equity between surface water users and ground water users. Federal projects were specifically designed to be in compliance with the Compact and our use has not increased over time but decreased as a result of uncontrolled depletions upstream of our reservoirs. How do you intend to provide equity between surface water use and ground water use during "Compact Call" years? How would the basin be operated in years like 2005 and 2006, under the revised IMPs, to provide equity?
9. During "Compact Call" years, the IMPs essentially curtail all surface water use and continue to allow ground water use and ground water mining to occur in the Basin. We see inequity in the IMPs as surface water users are not being provided equal protection among all water users. This is not consistent with Nebraska Statute 46-715. Who is representing surface water interests to ensure their interests are represented in the development of the IMPs?
10. Closing all natural flow rights and storage rights while not curtailing all ground water wells hydrologically connected to the streams (as defined by the FSS) is discriminatory and does not provide equity between water users (a primary goal of the IMP). Will surface water users in the basin be compensated when their natural flow and storage permits are closed while junior groundwater users are allowed to continue to use hydraulically connected water?
11. The IMPs indicate that a "Compact Call" will be placed on the river at Guide Rock or Hardy on all natural flow and storage permits. This call would appear to prevent storing water in Harlan County Lake decreasing the water supply for the Bostwick Division. This call would also appear to prevent the diversion of natural flow into the Courtland Canal. This could also increase the number of years that are designated as "water-short years" under the terms of the Final Settlement Stipulation (FSS). If all natural flow permits are closed, as indicated in the proposed IMPs, what authority will be used to supply water to the Courtland Canal and Lovewell Reservoir during "Compact Call" years?
12. The IMPs require the bypass of natural flows through Harlan County Lake during "Compact Call" years. Such a release would adversely impact the procedures of

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the Consensus Plan for operation of Harlan County Lake and as a result compromise the FSS. Would this plan alter the Consensus Plan and in-turn the FSS requiring the approval of the RRCA?

13. The IMPs states that a "Compact Call" is on until such time that administration is no longer needed. The IMPs are unclear whether any ground water use will occur in the Rapid Response Area during a "Compact Call" year. Will ground water use in the Rapid Response Area remain off during the entire year when a "Compact Call" has been placed?
14. Based on the recent ground water metering violations that were discovered in the URNRD, have there been additional internal controls put into place to ensure these actions are not occurring at other locations and to prevent this from occurring in the future?

We look forward to receiving your written responses to the concerns and questions identified by Reclamation concerning the proposed IMPs. Reclamation is encouraged by the July 9, 2010 meeting and looks forward to future dialogue with the State and NRDs. Reclamation is willing to work proactively with the State and NRDs to develop an equitable solution that provides for long-term Republican River Compact compliance. If you have any questions, please contact me at 308-389-5300.

Sincerely,

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