

**From:** [Marvin Swanda](#)  
**To:** [Stephen Ronshaugen](#)  
**Subject:** Fwd: Re: Briefing Paper on RR Compact Lawsuit Settlement  
**Date:** Friday, December 09, 2011 10:50:38 PM  
**Attachments:** [RR Compact Lawsuit Settlement draft 3-21-07GA.doc](#)

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>>> Gordon Aycock 3/22/2007 2:28:36 PM >>>  
Judy attached is a revised copy of the brief with my changes and additions. Hope this helps.

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**BUREAU OF RECLAMATION**

**BRIEFING FOR:** Commissioner Robert W. Johnson

**DATE:** March 21, 2007

**PUPOSE OF PAPER:** Republican River Compact Lawsuit Settlement Implementation

**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 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 whose wells are dependent on recharge from the river or stream."

Current concerns of the DNR and Republican River NRD:

- Nebraska's overuse of the Compact allocation was 42,000 acre-feet in 2005 and this annual overuse is increasing is-increasing 7,500-acre-feet/year;
- Groundwater pumping is responsible for over 80 % of the depletions to stream flow that are counted in the Republican River Compact and this impact is growing;
- % The percentage of depletions due to groundwater pumping has been increasing 1% per year significantly depleting surface flows(at this rate surface water use will approach zero within 20 years);
- Need for Develop more efficient ways to use our surface water reservoirs and canals— the most immediate fastest-way to reduce overusestream-depletions is to reduce the use of surface water including and reduce reservoir evaporation (basis for DNR attempting to lease surface water on temporary basis).

One of the primary interests of the NRD is safeguarding the future of groundwater irrigation. The NRD are interested in pursuing agreements with irrigation districts that aid in achieving and sustaining Compact compliance. Concepts that are being considered are the permanent retirement of project (surface) irrigated lands; elimination of irrigation by canal system/reservoir systems within existing projects; reformulation of projects; dissolution of irrigation districts; etc.

**BACKGROUND:** Under the terms of the Republican River Compact Settlement Stipulation, dated December 15, 2002, ~~the~~ Compact accounting is performed using a five-year running average. The first five-year running average period is 2003-2007. Nebraska has until the end of 2007 to come into Compact compliance. Preliminary accounting indicates that ~~the~~ State of Nebraska will have overused its share of the Republican River by about 200,000 acre-feet for the first five-year accounting period of 2003 through 2007. Even with drastic measures to reduce consumptive use it will not be possible for Nebraska to be in compliance with the Compact before the end of 2007.

**POSITION OF INTERESTED PARTIES:** Both Nebraska and Colorado have significantly overused their Compact allocations and are looking at drastic measures to reduce their consumptive use. Kansas has received far less than their Compact allocations for the last four

years and believes that Colorado and Nebraska need to either come into compliance or pay damages. Reclamation projects are water short and this shortage is growing. Reclamation believes project viability must be maintained.

**RECOMMENDATION:** Reclamation should make every effort to protect project water supplies, however, if our water users are willing to forgo water in exchange for payment by the states we should work with them and the states on solutions that are amendable to all parties.

**PREPARED BY:** (name, office, phone #)Michael J. Ryan, Regional Director, GPRO, 406-247-7600

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