



**From:** Thompson, Aaron M  
**To:** Ryan, Michael J  
**Cc:** Chaffin, John; Erger, Patrick J; Aycock, Gordon L; Espin, Brent; Swanda, Marvin R; Petersen, Lois Ann; Fritz, Daniel (Dan) S; Campbell, Gary W; Soucy, John F  
**Subject:** FW: MRNRD surface water controls added to the IMP  
**Date:** Friday, February 12, 2010 2:37:59 PM

---

Mike, my team has developed some responses to your questions. The responses were put into your e-mail below using Red ink. I think the most important concern is that it may be too late if we wait for the formal comment period. On that note, NKAO will have formal questions (related to the proposed IMP's) for the solicitor sent to your office for approval on Tuesday the 16th. We have worked with Gordon to get those questions polished before sending them up to your office.

Aaron

**From:** Scott, Craig D  
**Sent:** Friday, February 12, 2010 2:19 PM  
**To:** Thompson, Aaron M  
**Cc:** Swanda, Marvin R  
**Subject:** RE: MRNRD surface water controls added to the IMP

Aaron, below are Marv and I suggested answers for Mike's questions regarding the NRDs proposed IMP revisions. We are both in the office this afternoon if you have any questions.

Craig

**From:** Ryan, Michael J  
**Sent:** Friday, February 12, 2010 8:19 AM  
**To:** Thompson, Aaron M; Swanda, Marvin R; Aycock, Gordon L; Chaffin, John; Erger, Patrick J; Fritz, Daniel (Dan) S; Espin, Brent; Olsen, Margaret (Rae); Petersen, Lois Ann  
**Cc:** Wirkus, Karl E; Soucy, John F; Campbell, Gary W; Quint, Robert J (Bob); Finkler, Kira L; Birdwell, Sabina; Buchholz, Marcia L; Thompson, Dionne E; Maucieri, Mathew  
**Subject:** FW: MRNRD surface water controls added to the IMP

Good morning,

Here's some additional information on Republican River Natural Resource District's updating their Integrated Management Plans (IMPs).

NKAO folks: How long is the comment period and how do you suggest we develop Reclamation comments? IMPs are draft at this point. Not to the comment period yet. What we have seen so far was are working copies that were handed out at the NRD board meetings. Once the formal process begins to change the IMPs the NRDs are required by Nebraska statute to hold a public hearing to receive testimony regarding the proposed changes to the IMPs. The statutes require at least a 3 week public notification prior to the hearing. Keep in mind, in the past the NRDs vote to approve the IMPs in a scheduled NRD board meeting immediately following the public hearing. Therefore, the written comments are not even read prior to voting on the proposed changes to the IMPs.

Perhaps we should ...

1. Start with the comments we made the last go around;
2. Amplify those with language from the Arbiter's (Mr. Karl Dreher) recent decision in the Kansas v. Nebraska alternative dispute resolution; and,
3. Include something to the effect that although we want to work with the parties on constructive solutions we believe our efforts are being rebuffed and we examining options on how to best proceed.

John Chaffin, I'm thinking we'll look to the Solicitor's Office to advise us of potential Nebraska administrative and/or legal remedies should the IMPs fail to provide reasonable recognition of Reclamation's water rights.

Something to consider would be: Do we have conversations with the State Engineer about our concerns and actions prior to the start of the formal process assuming these changes are detrimental to our projects? I believe from what I have seen they will cause the demise of our districts should these stand as noted. It may be too late if we wait until the formal process begins.

Please allow time for us to brief the Commissioner's Office and get their concurrence prior to transmitting Reclamation's comments. We also need to think through scheduling conversations with the Republican River Project's Irrigation Districts and Nebraska's Department of Natural Resources. (If I remember correctly, doesn't the Department of Natural Resources have to concur or approve of the IMP's?) The IMP's are a joint plan between the respective NRD and DNR. NRD's administer the groundwater related regulations and DNR is responsible for the Surface water regulations.

Commissioner's folks: This is a volatile topic. It involves over development of groundwater pumping within the Republican River Basin in southern Nebraska. It's been going on for several decades and slowly eroding surface water flows. It's to the point that Nebraska is out of compliance with the Republican River Compact agreed to by Colorado, Nebraska, and Kansas during the middle of last century. Kansas took Nebraska to arbitration and the arbiter told Nebraska they need to update their groundwater management plans. What you see attached to this e-mail are sections from the draft Integrated Management Plans (IMPs) prepared by the Natural Resource Districts (they were created by Nebraska years ago to manage groundwater pumping). Irrigation Districts (especially Frenchman-Cambridge Irrigation District managed by Mr. Brad Edgerton) believe the IMPs do not reduce groundwater pumping enough. The irrigation districts are also concerned the IMPs will render their (and Reclamation's) surface water rights ineffective. As the rhetoric heats up, the surface water irrigators and groundwater pumpers continue to circle while slowly closing the distance between them.

Rae Olsen and Ann Petersen: Please work with NKAO and GP-4000 to update our briefing paper on this topic. (Rae, the Commissioner's Office may appreciate a bit more background to help place this issue in context.)

Thanks everybody.  
Mike.