From: Swanda, Marvin R
To: Aycock, Gordon L
Subject: RE: COE"s letter to NE
Date: Wednesday, August 04, 2010 1:02:59 PM

Gordon

I shared this with Ed and told him about what we think we understand from DNR. Also told him that we are going to put something in writing. Anyway give me a call when you get a chance.

Marv

From: Aycock, Gordon L
Sent: Wednesday, August 04, 2010 12:04 PM
To: Swanda, Marvin R; Scott, Craig D; Thomasson, Ronald R
Cc: Erger, Patrick J; Guenthner, R S (Scott)
Subject: COE's letter to NE

Sorry I'm slow getting to this. I looked Ed's letter over and I think its fine with the exception of item 2 under the specific requests. Based on our current understanding of the IMP it might be best to remove this. Since the IMP now appears to rely primarily on reductions of GW use to provide compliance this no longer appears to be a legitimate concern. It might also be of benefit for Ed to state in his letter our current understanding of the IMP and ask NE if they will verify if this is correct. Something like the following:

It is our understanding that the URNRD and LRNRD draft IMPs now rely primarily on curtailing ground water use to meet compact compliance. As we currently understand these IMPs, each of the NRD's use of groundwater will be limited, under the IMPs, to an amount that ensures Nebraska's Compact compliance in any one year. We also understand that the IMPs do provide an exception to this if an NRD acquires another source of water to offset their groundwater use and thus stay within their Allowed Ground Water Depletion to stream flow which will provide Compact compliance. We would appreciate your response on whether this understanding of this basic premise of the IMPs is correct.

We should also request something along this line from NE in writing to clarify our current understanding of the Upper and Middle IMPs.

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