

From: Thompson, Aaron M
To: Espino, Brent
Subject: Fw: Questions
Date: Wednesday, January 20, 2010 1:09:00 PM
Attachments: image003.jpg
Questions for Reclamation Jan 2010.docx

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Sent: Wed Jan 20 10:55:35 2010
Subject: Questions

Aaron
Sorry about the delay.

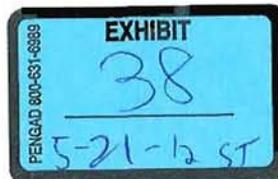
Here are some questions the Irrigation Districts would like Reclamation to answer.
Thanks
Brad

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Questions for Reclamation

January 20, 2010

From: Frenchman Cambridge and Bostwick Irrigation Districts

The following assumptions are made that would invoke water short year water administration in the Republican River Basin:

On December 31st Harlan County Reservoir has less than 292,857 acre-feet in storage; the compact accounting as computed at Guide Rock the previous year indicates a negative balance for Nebraska and the upcoming year's forecast by DNR also indicates a negative balance.

On January 1st DNR issues closing notices to the Bureau of Reclamation ordering all inflows into Swanson, Enders, Hugh Butler and Harry Strunk Reservoirs to pass through. Reclamation also is issued an order closing all storage use permits during the calendar year.

Frenchman Valley, H&RW, Frenchman Cambridge and Bostwick Nebraska are issued closing notices for all natural flow permits during the calendar year.

1. Will Reclamation allow water to pass through upstream Reservoirs two of which are senior to Harlan County Reservoir and store water in Harlan County so Nebraska can try to avoid the compact's water short year trigger as forecast by Reclamation under provisions of the FSS? (DNRs trigger is separate from the Compact's FSS water short year trigger.)
2. If ordered by the state will Reclamation bypass inflow through all Federal Reservoirs located in Nebraska? (including Harlan County Reservoir)
3. If Irrigation Districts call for storage water during the notice period and the state issues an order that no water is to be delivered to the Irrigation Districts, will Reclamation deliver the water to the Districts?
4. The President of the United States vetoed the original Compact and appointed Mr. Parker to represent the interest of the United States. A new article was added to the Compact that protected the Federal interest. What protection does Reclamation believe it has either under Article X or under state law?
5. Do the Irrigation Districts and Reclamation need to renegotiate the contracts currently in place if the new IMPs and rules as they are currently proposed are adopted by the State and the NRDs
6. If one or more NRDs seek to use the power of eminent domain to condemn one or more of the irrigation districts in order to gain control over surface water, will Reclamation honor requests to bypass natural flow and for release of storage water by such NRD(s) for the purpose of supplying water to Kansas but not for direct irrigation of project lands in Nebraska?
7. If Nebraska Bostwick is curtailed does Nebraska Bostwick get to carry that supply into the next calendar year? Or will part of Nebraska Bostwick's supply get divided again the following year?