

**Oral Statement**

**Aaron Thompson, Area Manager  
Nebraska-Kansas Area Office**

**Regarding Proposed Integrated Management Plan for the  
Upper Republican Natural Resources District**

**June 10, 2010**

My name is Aaron Thompson. I am the Area Manager of the Bureau of Reclamation's Nebraska-Kansas Area Office located in Grand Island, Nebraska.

Good evening and thank you for the opportunity to present a statement before you this evening. For the record, I am presenting written and oral statements here tonight. I have given a copy of the written statement to the hearing recorder.

The Bureau of Reclamation recognizes the appropriate role of the State of Nebraska to establish and enforce water policy. While the current State water policy of developing and implementing Integrated Management Plans (IMP) is a step in the right direction, Reclamation is concerned the IMP proposed by the State and the Upper Republican NRD is inadequate in that it fails to protect Reclamation's senior water rights from significant ground

water development of the hydrologically connected waters of the Republican River Basin that occurred following approval of the Compact and significant investment in the existing infrastructure. As a result, the investment of the citizens of the United States in the development of infrastructure is in jeopardy.

Federal projects were constructed based on the concept that project surface water rights would be protected. The trend of declining ground water levels in the Upper Republican NRD ensures continuing stream flow depletions. According to NE Stat. 46-715, the IMP should include clear goals and objectives with the purpose of sustaining the balance between water uses and water supplies for both the near term and the long term. Reclamation is very concerned with this balance in the Basin as it relates to surface water supplies.

Reclamation testified at the Republican River Compact Arbitration hearings in April 2009 outlining our concerns that without additional limits and controls on ground water use, the surface water supplies in the Basin will continue to decline making it more difficult for Nebraska to meet Compact compliance in the long term. Reclamation concurs with Arbitrator Dreher's decision that "...Nebraska's current IMPs are inadequate to ensure

compliance with the Compact during prolonged dry years” and “Nebraska and the NRDs should make further reductions in consumptive ground water withdrawals beyond what’s required in the current IMPs.” It is our position that ground water consumptive use must be reduced to a level that will allow base flows to recover to an extent that will allow Nebraska to consistently comply with the Compact in both the near term and long term. This is the only way Nebraska can meet the IMP goal of “sustaining a balance between water uses and water supplies . . .” Likewise, Arbitrator Dreher concluded in his Final Decision that “Nebraska’s problem in complying with the Compact is... groundwater consumptive use, not surface water consumptive use.”

This proposed IMP continues to allow for the unfair use of surface water supplies to make up for deficits caused by years of ground water overuse and fails to address past ground water use and future ground water declines that will continue to deplete the streamflows. In water-short years, surface water users experience significant water shortages due to the reduced surface water supplies while ground water users have the capability to pump sufficient ground water to meet most of their irrigation demands. As a result, ground water depletions to surface flows have continued to gradually increase while surface water diversions and depletions continue to decline.

Again, Reclamation is supportive with Nebraska's effort to comply with the Compact and expects to continue to operate the Federal projects for their authorized purposes. However, a plan that essentially curtails all surface water use and continues to allow ground water use and ground water mining to occur in the Basin is unreasonable and not acceptable to Reclamation.

This is not consistent with Nebraska Statute 46-715 as surface water users are not being provided equal protection among all water users. Reclamation views our Federal water rights as property rights that must be provided equal protection. The IMP cannot ignore the physical and legal reality that ground water and surface water are hydrologically connected and the administration of the water supply in the basin must be consistent and equitable for all water users.

In light of the URNRD's special board meeting on June 3, 2010 regarding possible inaccurate well meter readings and violations to the District's rules and regulations, Reclamation is concerned the pumping data used in the ground water modeling in preparation of this IMP may be compromised. If the URNRD investigation determines the actual pumping volumes in the district are inaccurate, it would seem appropriate the URNRD and DNR

review what affect this may have on the modeling results used in the development of this IMP and RRCA accounting.

With regards to the proposed IMP, Reclamation needs a better understanding on how the surface water controls of the IMP will work. Please refer to our specific comments related to the proposed IMP in our written statement. If the state recognizes the administration of water in the basin for Compact compliance as a “beneficial use” then the senior water right holders in the basin should be compensated. If the intent of by-passing inflows from upstream reservoirs is to store water in Harlan County Lake then, in our view, this is a “selective call” which denies equal protection to property right holders. Two of Reclamation’s upstream reservoirs are senior in priority to Harlan County Lake. Additionally, if the State closes **all** natural flow permits, as indicated in the proposed IMP, what State authority will be used to supply water to Lovewell Reservoir during “Compact Call” years? If the water cannot be stored or diverted, as indicated in this IMP, then the water flowing through our reservoirs is no longer project water and Federal law limits the use of Project facilities for non-project water.

As an alternative, Reclamation believes the State should manage the water supplies of the basin consistently for all water users. A long term

conjunctive management approach should be developed that allocates consumptive use in an equitable manner across the basin. This approach would allow water to be marketed between all users based on consumptive use. We again want to stress that the earliest water rights in the basin are the surface water rights that are currently not be provided “equity among water users” and will not be in the future if this IMP is adopted.

In conclusion, Reclamation is willing to continue working with all the NRDs, Irrigation Districts, and the State as they seek compliance with the Compact. The IMP should recognize and protect the investment of the United States taxpayers made decades ago. To ensure compliance in the long term, Reclamation believes there must be a healthy surface water component in the Basin. To accomplish this, we believe reductions in ground water pumping must be significantly more than currently provided in the IMP to allow stream flows to begin to recover. Ground water pumping and other upstream uses are progressively depleting reservoir inflow.

Reclamation is hopeful as you finalize the IMP that you will study the presented testimony and respond to our specific questions and concerns we have presented in our written statement.

Again, I thank you for the opportunity to present this testimony here tonight.