

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

RECEIVED
OCT 01 2004

September 29, 2004

IN REPLY REFER TO:

Mike Johanns
Governor

Middle Republican NRD
c/o Dan Smith Manager
220 Center Street
PO Box 81
Curtis, NE 69025

RE: Compliance with the Republican River Compact and LB 962

Dear Middle Republican NRD Board:

This letter is in response to questions raised concerning the Republican Basin Natural Resource Districts (Basin NRD's) responsibilities with regard to compliance with the Republican River Compact (Compact) and LB 962. The issue raised is whether it is mandatory for the Basin NRD's to impose regulations as part of an Integrated Management Plan, pursuant to LB 962, to comply with the Compact.

The State of Nebraska, through the Department of Natural Resources (Department) and the Basin NRD's, must comply with the provisions of the Compact. If, in order to reach that compliance, we need to limit our water uses through regulation then both the Department and the NRD's will have to regulate those water uses through an Integrated Management Plan. LB 962 was drafted to provide the Department and the Basin NRD's the management tools needed to meet the requirements of the Compact. To think otherwise misrepresents LB 962 and ignores the Department's and the Basin NRD's responsibilities under the Compact.

Surface water and ground water use that affects streamflow is accounted for under the provisions of the Compact. The Legislature intentionally delegated the authority to regulate ground water to the Basin NRD's and surface water to the Department. It is the responsibility and obligation of both the Department and the Basin NRD's to work as partners to meet the requirements of the Compact. Choosing to ignore these responsibilities would be detrimental to the States ability to meet its mandatory obligations under the Compact and is therefore unacceptable.

LB 962 simply reinforces the State's obligations pursuant to the Compact and provides the necessary tools in which to meet those requirements. The Basin NRD's are required, pursuant to LB 962, to do their part to meet the requirements under the Compact and are therefore required to implement those rules and regulations, through an Integrated Management Plan, necessary for compliance.

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The Department looks forward to continuing its working partnership with the Basin NRD's in order to fulfill the States duty to comply with the Compact. Please contact me if you have any further questions regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger K. Patterson". The signature is fluid and cursive, with the first name "Roger" being the most prominent.

Roger K. Patterson
Director