

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

October 7, 2003

IN REPLY REFER TO:

Mike Johanns
Governor

Gayle Haag
Middle Republican NRD
PO Box 81
Curtis, NE 69025

Dear Gayle,

Thank you for your letter of September 9 concerning the "Imported Water Supply" identified in the Republican River settlement. I share your view that the "mound" and the resulting credit received by Nebraska are important to Nebraska's overall ability to achieve Compact compliance. Our ability to monitor the activities and water flow in the mound will become increasingly important if in fact we see declines in the imported water supply in the future as you indicate.

Please understand, however, that we have no authority to obligate CNPPID or NPPD to protect "imported" water into the Republican Basin. We were very clear during the settlement negotiations that we intended to place no obligation on the districts in this regard.

We will work very closely with CNPPID and NPPD to gather the needed info and data and make sure they understand the importance of their operation to the Republican River Compact. However, our ability to control the amount of "credit" received by Nebraska will largely be determined by the amount of pumping that occurs in the "mound" area.

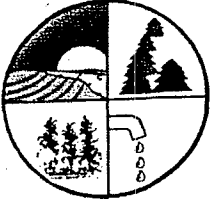
We will continue to work closely with the Republican River NRDs as well as the Irrigation and Public Power Districts and other stake holders as we implement the settlement.

Sincerely,

A handwritten signature in black ink that reads "Roger K. Patterson".

Roger K. Patterson
Director

pjb



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Curtis, NE 69025 Email: office@mrrnd.org

Middle Republican Natural Resources District

September 9, 2003

Roger Patterson, Director
NE Department of Natural Resources
PO Box 94676
Lincoln NE 68509-4676

Dear Roger,

The Board of Directors of the Middle Republican Natural Resources District requests that the Nebraska Department of Natural Resources take the necessary actions in developing their portion of the joint action plan to prevent degradation of the "Imported Water Supply" identified in the settlement of the Kansas vs. Nebraska lawsuit. The continuing contribution of the "mound" is critical to planning for the implementation of that settlement.

While beneficial consumptive use of the imported water supply does not count as a use for compact accounting, any accelerated development in the area influenced by the mound may negate the credit that is derived from that imported water.

This district does not propose that conservation methods that might be employed by any party in that area should not be allowed. Our concern would be the effect of increased use and development of what for over 50 years has become part of or an influence on the ground water system in the Republican River Basin. Projections, provided by Nebraska's modeling team indicate that much of the "mound" area may see over a ten foot of decline in the next forty years. As the current pumping rates and developed acres are refined to reflect what is actually being consumed, this decline may accelerate in future projections. Extensive development of any kind will accelerate that process.

Difficulty in fulfilling the provisions of formal state contracts or agreements is one of the reasons for making a preliminary determination that there are conflicts in the use of hydrologically connected ground water and surface water resources. This district believes that it is important to maintain the contribution provided by these imported waters. Orderly development at a future time may be acceptable

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when the joint action plan has been developed and rules and regulations are in place. The impact of an outside influence at this time is not acceptable.

The May 20, 2003 preliminary findings and conclusions of the Department of Natural Resources are considered final. The Middle Republican has adopted a Joint Action Plan order. We are proceeding toward development of rules and regulations. We fully expect to continue and look forward to working with DNR on the implementation process. Our combined efforts can bring about a workable plan for the Republican River basin.

Sincerely,

Gayle Haag by Christ Peterson
Board Secretary

Gayle Haag, Board Chairman