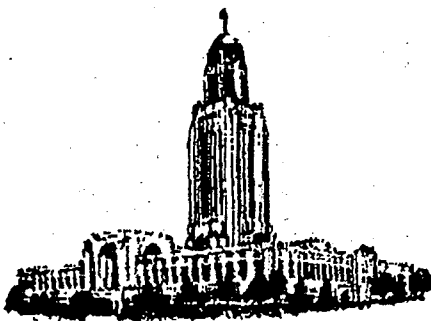




SENATOR CHRIS BEUTLER

District 28  
State Capitol  
PO Box 94604  
Lincoln, Nebraska 68509-4604  
(402) 471-2633  
Fax: (402) 479-0928  
cbeutler@unicam.state.ne.us



COMMITTEES

Chairperson - Legislative Performance Audit  
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Midwestern Higher Education  
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Reference

I

March 22, 2006

Dave Cookson  
Attorney General's Office  
State Capitol, Room 2115

HAND-DELIVERED

Re: Bostwick Memorandum of Agreement

Dear Mr. Cookson:

I read with interest your Memorandum outlining the Bostwick Agreement, which would buy out the District's surface water supply for one year with \$2.7 million state general fund dollars. One item that caught my attention was the omission of any language prohibiting or limiting the use of groundwater for irrigation by the Bostwick irrigators.

As you know, there are as many as 13,000 "co-mingled" irrigated acres in the Bostwick District. On such acres, an irrigator can use both surface water to the extent available and groundwater in an amount up to the number of inches allocated by the local natural resources district. It is my understanding that under the current rules, the availability of surface water decreases the amount of groundwater allocated in an amount equal to the available surface water. So, for example, if 5 inches of surface were available to Bostwick irrigators and the natural resources district allocation was 11 inches of groundwater, Bostwick irrigators could use 6 inches of groundwater.

Under your proposed agreement, the Bostwick irrigators would receive no surface water. The agreement, however, includes nothing that would prevent these irrigators from using their entire ground water allocation to make up for their lost surface water. In short, the state would pay for the surface water, but the Bostwick irrigators with certified groundwater acres would simply make up for the lost surface water by using more groundwater. The irrigators would get paid for their surface water, proceed to irrigate with groundwater, and then earn as much money as they would have using surface water in whole or in part.

Thus, in accordance with the agreement, the Nebraska taxpayer will pay the Bostwick irrigators \$2.5 million to alleviate the water shortages to Kansas, and the Bostwick irrigators can turn around and create a bigger problem by irrigating 13,000 acres solely with groundwater.

Dave, say it ain't so.

With Best Regards,

Chris Beutler  
District 28

CC: Press  
CC: Public