

**Ann Diers**

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**From:** Mike Thompson [mthompson@dnr.state.ne.us]  
**Sent:** Wednesday, June 22, 2005 2:44 PM  
**To:** 'Ann Diers'  
**Cc:** 'Gayle Starr'; 'Ann Bleed'  
**Subject:** RE: Regarding the Draft Contract in your In Basket

Ann D.,

Good suggestions. Tina already reviewed it with me and we added her suggestions. I understand your desire to have more specific triggers and penalties. Since the whole IMP arena is so new to two of the NRDs and we don't know exactly what will transpire, it is hard to tie dollar amounts to specific events. One thing they failed to do was provide municipal and industrial pumping data in a timely or useful way.

I have put a March 15 deadline on that data reporting requirement. I feel very strongly if they fail any significant part of the Attachment A requirements that the agreement be terminated. March 15 of 2006 should be a useful benchmark to see how seriously they take their responsibilities. It really is a policy decision at this point.

Thanks for your work on this. I'll discuss it further with Gayle. Roger and Ann B. will have to be consulted when it comes time to put dollar amounts in the boxes.

Mike

-----Original Message-----

**From:** Ann Diers [mailto:adiers@dnr.state.ne.us]  
**Sent:** Wednesday, June 22, 2005 2:55 PM  
**To:** 'Mike Thompson'  
**Cc:** 'Gayle Starr'; 'Ann Bleed'  
**Subject:** RE: Regarding the Draft Contract in your In Basket

Mike:

Attached are the revised version of the Agreement, in both redlined and clean format, so you can see the changes. I have also attached the redlined and clean versions of the Attachment. As to the Agreement, #1(d) to 1(g), and item #5 are the new provisions we need to have in all state contracts. I made other revisions as well, most such changes are to agree with changes to Interlocal agreements I reviewed for Gayle last summer.

A question (possibly for Gayle): do we have funds to say we can provide funds in 06-07? Another question: Is this supposed to be an NRD matching funds agreement? It currently does not recite that, and should if that is the intent.

RE: Attachment A, this is very non-specific, in that it does not tie amounts of money to any of the expected activities. Do you want to define it further? For example, current # 1, enforcing the rules, seems to be so vague that you could not assign a dollar amount to it. Item 2 (c) could be more specific as to the steps you would expect the NRD to take to minimize the occurrence of meter tampering (e.g., issue cease and desist orders and assess fines), and the money we provide could be based on the number of orders/fines issued. You may also wish to have Tina Kurtz look at the Attachment to see if she has any thoughts on how it might be made more specific to fulfill the IMP process goals. We may face problems trying to enforce vague provisions.

Let me know if you have any questions.

As a reminder, if and when you are ready to send to the NRD for signature, we should get two originals signed. (We retain one, and send the other back to the NRD). Andrea should get all of DNR's originals

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for filing.  
Ann

-----Original Message-----

**From:** Mike Thompson [mailto:mthompson@dnr.state.ne.us]

**Sent:** Wednesday, June 22, 2005 7:27 AM

**To:** 'Ann Diers'

**Cc:** 'Gayle Starr'; 'Ann Bleed'

**Subject:** Regarding the Draft Contract in your In Basket

Ann,

I slightly modified the draft inter-local contract from the original 2003-04 contract. Basically, I changed the language to reflect the facts that we have an approved GW Model and IMPs are in place. Attachment A was changed slightly too. We'll have to do a different contract for Tri-Basin. I have that one almost done.

I am also transmitting copies of the original 2003-04 MRNRD contract and the original, generic Attachment A for comparison. Roger wants us to wrap this up fairly quickly, since the current contracts expire at the end of the month.

Thanks,

Mike

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