

Dave Heineman  
Governor

# STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES  
Brian P. Dunningan, P.E. [REDACTED]  
Acting Director

September 26, 2008

IN REPLY TO:

Aaron M. Thompson, Area Manager  
Bureau of Reclamation  
Great Plains Region  
Nebraska-Kansas Area Office  
P.O. Box 1607  
Grand Island, Nebraska 68802-1607

Dear Mr. Thompson:

Thank you for the opportunity to review the Draft Appraisal Report, the Frenchman Unit, Frenchman-Cambridge Division, Pick-Sloan Missouri Basin Project, Nebraska. We have several general and a number of page specific comments. They include the following:

1. We believe the report provides useful information and would like to thank the Bureau of Reclamation for providing the assistance to help Nebraskans better understand the physical environment and water management alternatives in this important basin.
2. Our comments on the preliminary draft probably should have included a suggestion that a limited description of study partners and timing be added to the report summary so that readers can more easily learn about the genesis of the effort. Both the Reclamation role in leading the study and writing the draft and the NDNR role in providing modeling for the effort would also ideally be mentioned at some point in the text and summary.
3. The purpose and scope section of the report and its summary indicate that the report's purpose "is to determine whether alternative plans analyzed in this report have sufficient potential to justify further federal involvement, including a detailed feasibility report on the unit". We were unable to find any wording in the current draft of the report that makes that determination. That may be because the determination is actually made after the report is issued or only with the issuing of the final report; but if so, the report should indicate that is the case. Third sentence – insert the word "that" between "flows" and "could".
4. Page ii paragraph 1– Second Sentence – It would be better to indicate that the passage of state legislation in 2004 provided the state with additional options for compliance. It was statewide legislation and to state only that it was passed "to try to comply" might mislead about a broad legislative bill.

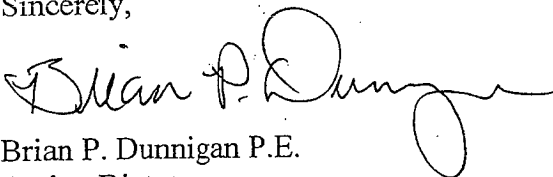
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5. Page ii paragraph 2 - We would suggest that the second sentence be removed and that the incentive based irrigation reductions from CREP and EQIP acres be mentioned.
6. Page 4 paragraph 2 - Same comment as #4.
7. Page 5 paragraph 2 - Should state that ruling was that "a portion" of LB 701 taxing authority is unconstitutional.
8. Page 6 paragraph 2 - Needs to be rewritten. Nebraska's Ground Water Management and Protection Act allows restriction of ground water use under prescribed conditions and does allow Natural Resources Districts to address depletion of streamflows by ground water development. (LB 962 was incorporated into the Ground Water Management and Protection Act).
9. Page 20 last paragraph second sentence - Remove "(including groundwater management plans)" replace with "(including ground water management area rules)".
10. Page 51 next to last paragraph - You may wish to reexamine the delivery system efficiency estimate of 40%.
11. Page 53 First Bullet - We suggest deletion of the current wording and replacing it with the words "The Districts would need to work with DNR to transfer permitted uses to ground water recharge".
12. Page 53 Sixth Bullet - We suggest removing the words "It is DNR's preliminary opinion that".

Again, thank you for the opportunity to review this report.

Sincerely,



Brian P. Dunnigan P.E.  
Acting Director  
Nebraska Department of Natural Resources

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