

## INITIAL IDEAS FOR DUNNIGAN MEETING WITH TRI-BASIN IMP

### Reasons for Meeting

- To discuss how we can best work together to achieve requirements of GW Mgmt and Protection Act (LB 962)
- To solicit your thought on what information could help you in your decision making process on the joint IMP
- To offer our assistance in explaining the physical and legal constraints that apply to this process
- To offer limited observations on past activity, future deadlines, and legal requirements

The purpose of the IMPs is sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety and welfare of the basin can be maintained for both the near and long term. We are jointly responsible for that. We must also assure state will remain in compliance with laws, interstate compacts or decrees or interstate agreements pertaining to surface water or ground water use and supplies.

*I believe that objective is in the best interest of both for District and for state*

### How We Can Work Together to Meet Legal Requirements

#### Schedule

- 5 year deadline September, 2009
- Work back from there
- Account for time for meetings, approvals, presentations
- Would like to leave next meeting with a process schedule

#### Potential Workshop

- Legal presentation – IMPs, interstate agreement requirements
- Hydrologic/Geologic presentation
- Discussion/ Questions / Comments on major issues
- Willingness to Discuss August 5 letter
- Set future schedule

#### IMP Drafting

- Status of existing IMP draft
- Potential DNR work/assistance on non-controversial items
- How to address potential areas of disagreement

### Soliciting NRD Thoughts on What Would Help Them in the Decision-Making Process

- Identify specific areas of misunderstanding or disagreement
- Discuss whether general presentation on legal requirements or geology, hydrology or modeling would be useful
- Develop procedures for resolving misunderstandings and disagreements
- Discuss (given time constraints) what type of procedures would be best for drafting the plan

### Offer Assistance in Explaining the Physical and Legal Constraints that Apply to the Project

- Discuss workshop versus other methods of supplying information
- Discuss common IMP informational material versus NRD specific material
- Discuss Tri-Basin as combination of general IMP, Republican Compact and PRRIP/OA Basin with mound ..... Not unique – just more stuff is important.

### Observations on Past Activity, Future Deadlines, Legal Requirements

#### *Past Communication Difficulties*

- Patterson letter / initial joint action plans
- Communication over initial IMP draft
  - rules and regs in plan or not
  - Bleed retirement timing

#### *Future Deadlines*

- Five year deadline in statutes is approaching
- OA Basin Process may lengthen effort as may need for addressing multiple basin – multiple interstate agreement requirements
- Need to develop aggressive process to produce and approve IMP on both our parts

#### *Legal Requirements*

- Interstate legal requirements strongly constrain DNR option – we need to explain how
- Mound creates complexities from standpoint of interstate agreements, individual water rights and NRD accounting. This is an area we need to discuss in detail in a workshop