

## Ann Diers

---

**From:** Chad Smith [csmith@americanrivers.org]  
**Sent:** Thursday, March 16, 2006 8:32 AM  
**To:** ableed@dnr.state.ne.us; Ann Diers  
**Subject:** RE: Revised Documents from March 3 Instream Flow Subcommittee Meeting

Based on our discussions at the last meeting and reading through your latest draft, I think the proposed rule changes look to be in good shape. One note: in the last sentence of the last paragraph of 001.01B, I think "ground wells" should read "groundwater wells."

In terms of the proposal, obviously we need to have further discussion about the issue of who helps NGPC review options for "shaping" the instream flow. I think we ran out of time at the last meeting to have a good discussion about this, so I'm confident we can come to a consensus about how to handle this. Also, I think we are going to have to give some guidance to the WPTF and the Legislature about what we think "preplanning" is and what the affected NRDs will actually have to do to live up to this agreement. We should make that a topic of discussion at the next meeting.

Chad Smith, Director  
Nebraska Field Office - American Rivers  
6512 Crooked Creek Drive  
Lincoln, NE 68516  
(402) 423-7930  
(402) 423-7931 (FAX)  
(402) 432-7950 (CELL)  
csmith@americanrivers.org

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

**From:** Ann Bleed [mailto:ableed@dnr.state.ne.us]  
**Sent:** Saturday, March 04, 2006 10:27 AM  
**To:** Frank Albrecht; Clint Johannes; Ann Diers; Brian Barels; Butch Koehlmoos; Chad Smith; Dean Edson; Don Kraus; Duane Hovorka; Duane Woodward; Gloria Erickson; Jim Nelson; John Thorburn; John Turnbull; Kent Miller; Kirk Nelson; Larry Hutchinson; Ron Bishop; Russ Callan  
**Cc:** Jonathan Bartsch; Tina Kurtz; Jeff Shafer; Jim Cannia  
**Subject:** Revised Documents from March 3 Instream Flow Subcommittee Meeting

Thank you all for what I think was a very productive Instream Flow Subcommittee meeting on March 3. Here are the revised draft documents from that meeting.

On the draft rule change, the single space paragraphs are identical to those in the existing rule. The double spaced paragraphs are the paragraphs we have changed. At the meeting we decided to delete the footnotes and the word net from the rule itself, with the understanding that the Department's report will define these terms in the report. I made all the revisions we discussed at the meeting. I also made a few I think minor additional changes, which I have redlined. The draft rule change contains close to if not the final wording that the department proposed to use as the basis for a hearing on a revision to the rule. Please review this document with this in mind. Please let either me or Ann Diers know if you are o.k. with the rule as written or if you have further concerns about the proposed language. As we discussed at the meeting, we are anxious to finalize the proposed rule changes so we can get on with the hearings so that we know what we have to do for next years report. If everyone is o.k. with the changes, we will set a hearing date. If there are concerns, we will either schedule a conference call or a meeting to work out the issues.

On the other hand, the proposal is a very rough draft intended only to capture the basic concepts suggested by the NGPC that we agreed would provide a basis for further consideration by the subcommittee. Please review this proposal and send me a list of issues that you think we need to discuss further at our next meeting.

The next meeting is April 18 at 10:00 in Kearney. Brian Barels is checking to see if we

can meet at NPPD.