

Ann Diers

From: Pam Andersen [pandersen@dnr.ne.gov]
Sent: Wednesday, March 15, 2006 2:49 PM
To: Ann Bleed
Cc: Ann Diers; tkurtz@dnr.state.ne.us; jcannia@dnr.state.ne.us; sgaul@dnr.state.ne.us
Subject: Proposed changes to the rule for determining basins fully appropriated

Ann,
I reviewed the changes to DNR Rule 24.001 that the Instream Flow Committee proposed. I think the last sentence in 001.01A should be changed to clarify what "these appropriations" are. The proposed sentence reads "The availability of stream flow will be based on the average number of days within each time period that surface water could have been diverted at the full diversion rate under these appropriations during the previous 20 year period and the projected impacts of depletions to stream flow from existing wells over the next 25 years." The previous paragraph refers to "any irrigation appropriation." Is that what is meant by "these appropriations" i.e. "any irrigation appropriation" as opposed to another use such as the instream flow? Or is it meant to refer to the junior appropriators as the existing rule does? I also wonder if the reference to "each time period" should be clarified. Do you mean the "May 1 through September 1" and "July 1 through August 31" time periods? or the 20 year time period referred to after the sentence?

Yes - both

I think the last sentence in 001.01B also needs tweaking. The proposed language reads "The lagged impact to be considered shall be the impact of the lag effect from ground wells located in the hydrologically connected area that will deplete the water supply over the next 25 years." Obviously "water" needs to be inserted between "ground" and "wells." The more confusing part is the reference to "wells that will deplete the water supply over the next 25 years" do you mean all wells in the 10/50 area? are there wells in the 10/50 area that won't deplete the water supply over 25 years? or do you mean wells within a certain distance from the appropriation referred to in the previous sentence? Pam

Yes

I think "day"

Ann Diers

From: Barels, Brian L. [blbare1@nppd.com]
Sent: Wednesday, March 08, 2006 9:57 AM
To: Bleed,, Ann- (non-NPPD recipient); Frank Albrecht; Johannes,, Clint- Nebraska Elect G & T; Ann Diers; Butch Koehlmoos; Chad Smith; Dean Edson; Kraus,, Don- Central Nebr. Pub. Pow. & Irr. Dist.; Duane Hovorka; Duane Woodward; Gloria Erickson; Jim Nelson; Thorburn,, John- (non-NPPD recipient); John Turnbull; Miller,, Kent- (non-NPPD recipient); Kirk Nelson; Hutchinson,, Larry- (non-NPPD recipient); Ron Bishop; Russ Callan
Cc: Jonathan Bartsch; Tina Kurtz; Jeff Shafer; Jim Cannia
Subject: RE: Revised Documents from March 3 Instream Flow Subcommittee Meeting

The auditorium at our Kearney office has been reserved for this meeting

Brian

NPPD Water Resources Manager
402-563-5335 / 5095 Fax

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

From: Bleed,, Ann- (non-NPPD recipient)
Sent: Saturday, March 04, 2006 10:27 AM
To: Frank Albrecht; Johannes,, Clint- Nebraska Elect G & T; Ann Diers; Barels, Brian L.; Butch Koehlmoos; Chad Smith; Dean Edson; Kraus,, Don- Central Nebr. Pub. Pow. & Irr. Dist.; Duane Hovorka; Duane Woodward; Gloria Erickson; Jim Nelson; Thorburn,, John- (non-NPPD recipient); John Turnbull; Miller,, Kent- (non-NPPD recipient); Kirk Nelson; Hutchinson,, Larry- (non-NPPD recipient); 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.