July 17, 2003

Frenchman Cambridge Irrigation District
P. O. Box 116
Cambridge, NE. 69022

Roger Patterson
Director Department of Natural Resources
P. O. Box 94676
Lincoln, NE. 68509-4676

Dear Roger:

We are writing to express concerns we have related to the development of the joint integrated management plans being developed by the Dept. Of Natural Resources and the Republican River Basin NRD's.

We believe that all lands with a Surface Irrigation Water Appropriation under a project funded by the Government and repayment had been accessed, and some one has received and paid the assessments for operation & maintenance from and to an Irrigation District and that particular land was also taxed as irrigated, the taxes were paid, at the very minimum, these surface irrigated acres should be given the same allotment as if they were irrigated by ground water.

We want to have Fairness and Equity between all water users.

In area's where surface water is supplemental or in conjunction with ground water pumping and the surface water supply is not of a sufficient enough amount to irrigate over a long enough period of time to be beneficial, that quantity should not be counted against the ground water pumping allotment. We would also ask you to consider making intentional recharge by use of irrigation canals no longer delivering irrigation water for direct application to fields as a recognized tool in your plan.

We also believe NRD's do not feel they have any responsibility for and to surface water irrigation. They don't want to know or hear about the surface water concerns. An irrigated acre should be an irrigated acre and a non irrigated acre not be allowed to become an irrigated acre without an offset.

We believe there is an issue by the allowing of adding additional non irrigated acres after December 16, 2002, the date the settlement came into effect, that have not been irrigated in the past and/or abandoned irrigated acres coming back into irrigation. NRD's are planning to allow these acres to be classified as irrigated. This procedure will require all of the previously existing irrigated acres to receive a lessor allotment. In addition, the majority of the new acres will be

upland acres that will require the areas where surface water was delivered, which are predominately alluvial formation, to get a lessor inflow of underground water. How is "fair and equitable" to not allow new well development and still allow new land to be developed, but then not count land that is already irrigated by surface irrigation? That result will hurt the ground water recharge in the alluvial formation and the maintenance of stream flow to meet the compact requirements and require a more restrictive control upon the alluvial areas.

We Ask how is it "Fair and Equitable" to **not** allow an allotment for irrigated land previously and presently irrigated by surface water and in lots of cases in conjunction with ground water, yet allow new non irrigated acres to be developed after a moratorium has been establish? The lawsuit settlement agreed upon in December, 2000 implies "no new development". If there is new development, there has to be an offset. It is reasonable to assume that the allotment these new acres will receive, will be at the expense of all existing acres receiving a lessor allotment.

We Believe surface water appropriators, under a project, have a property right recorded at the county level and state level. Ground water pumping has caused the succession of the surface water

In years in area's where surface water is supplemental or in conjunction with ground water pumping and the surface water supply is not of a sufficient enough amount to irrigate over a long enough period of time to be beneficial, that quantity should not be counted against the ground water pumping allotment. By contract, you are required to pay for the contract for the federal project and the O&M, no matter if there is any water available or you don't use the water. By law if it is not paid, that assessment is added to the property tax.

It becomes difficult for the irrigation districts to maintain a season long supply of available water in a short water system. When surface water is in the supply canals, a substantial amount (in some cases approximately ½) is percolating into the ground water supply, (nitrate free) which reduces the amount available for surface irrigation delivery. It is uneconomical to set up for irrigating, develop better distribution or commingle the two waters in curtailed water situations. With surface water you don't have the flexibility of a given amount for a season or multi years. You don't know in advance how much you will receive for a given season. You don't have the option of turning it on or off in a short period of time, like when it rains or you get finished on Saturday morning and need to wait till Monday or Tuesday to get shut off. There is usually a two day notice before you get shut off. Some years you don't have the water available for any irrigation until it is turned on, sometimes as late as July and then having to be shut off the first of August.

This is all based on the price of the water, which has cost the producer at times, more than $80.00 per acre foot, which is just the cost from the district.

It would be good if the person with a ground water supply could sell his surface water to a person who does not have a ground water supply. The problem with being able to sell the water is when the supply of surface water is low and the cost are fixed because of O&M and

repayment, the per acre inch cost get prohibitive. A short supply of surface water is not economical for crop production. There is no buyer for your surface water because of the cost and short season availability. If some solution is not found for this problem, economically it would be better to not use surfaces water and only pump ground water.

Sincerely

Roy Patterson

cc: Gayle Haag
cc: Garold Ohmstede
cc: Bradley Lundeen
cc: Robert Ambrosek