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June 29, 2004

~~Republican River Basin Irrigators~~

Dear ~~All~~ Republican River Basin Irrigators:

The 2004 Irrigation season is well underway. Unfortunately, in spite of some recent rain, it looks like this will be another dry year in the Republican River Basin.

I am writing to help with your understanding of the Republican River ^{Compact} and to explain how your water use this year affects the amount of water that will be available for use by you and other Nebraska water users in 2005, and 2006, + 2007.

The Republican River Compact was signed in 1943 by the states of Nebraska, Kansas and Colorado. It was approved by the legislature of all three states as well as the U.S. Congress.

The compact splits the annual water supply between the three states: 49% to Nebraska, 40% to Kansas and 11% to Colorado.

As you know Kansas sued Nebraska in 1998 in the U.S. Supreme Court alleging ~~by~~ over use of ground water, Nebraska argued that ground water was ^{not} part of the Compact; unfortunately the ^{Court appointed} Special Master did not agree with us. We appealed his decision to the Supreme Court but were unsuccessful.

Based on this decision Kansas attempted to redo the water use numbers by counting ^{the use of} ground water for prior ^{years} dating back to 1959 in order to show ^{that} Nebraska was chronically violating the compact by using more than our share. On this ^{the} Special Master ruled in our favor. Kansas was not allowed to revise the Compact numbers.

There two ^{rulings} ~~meetings~~ set the stage for settlement of the remaining issues, which were technical ⁱⁿ nature. The states were successful in negotiating an agreement on these issues and developed a more refined accounting methods as well as a joint groundwater model to be used to determine stream depletions from groundwater pumping.

changed by this settlement. The ~~compact~~ Compact was not agreed to in 1943.

The accounting procedures now allow us to average our water use over a five year period in drought years we can choose either a two or three year averaging period. Averaging provides a

in Nebraska.

way for use to use water in one year that we may have saved from a previous year as long as, on average, we stay within our allocation (49% of the total supply). 2004 is the second year of our five year running average. Therefore, any water ~~we use~~ ^{over we of} this year will count against us and mean less we can use in 2005, 2006 and 2007.

← as part of our 5-year running average

I encourage you to be conservative this irrigation season. Use only what you need. Any water you save this year will help you, your Natural Resources District and the State of Nebraska comply with the Compact in the future.

Thank you for your cooperation.

Sincerely,

Please contact your NRD or my office if you desire additional information.

Roger K. Patterson

rkp

cc: Upper Republican NRD
Middle Republican NRD
Lower Republican NRD
Tri-Basin NRD

Due to the drought + heavy pumping in 2003, we exceeded our allocation last year and are starting out in the red. Hopefully we can manage our use this summer + keep the problem from becoming significantly worse.