

Bob, Dan, Mike and John ---

This is in response to your letter of January 23, and John Thorburn's "To Do" list passed out at our meeting on Monday. Most of the items were discussed at the meeting but I'll respond here in an attempt to add further clarity.

1. a. As discussed; compliance is measured as laid out in the accounting procedure. Most simply put, beneficial consumptive use cannot exceed our allocation as computed on a five year running average (or a two or three year average above Guide Rock in dry years). We'll have to break our allocation into five pieces – surface water and four NRDs. If each piece works then as a State we'll be in compliance.
- b. We can schedule a separate meeting amongst the technical staff on the model. As we discussed any changes (including input data) must be agreed to by the RRCA.
- c. DNR agrees that when we present this model data to the general public, DNR and NRD staff will have to present a simpler more polished explanation than has been presented to NRD staff and Directors. Ann Bleed will work with Mike Clements and Bob Hipple on developing a suitable program for public consumption.
2. a. In relation to technical support, Mike Thompson, Paul Koester and Brendon Goble are working fulltime on Republican River technical support. Shuhai Zheng has also contributed to this effort. Their assignments will not change in the future. In November and December, DNR staff worked overtime to assemble data required to be provided by the settlement on December 31 for years 2001 and 2002. This effort did take staff away from work with the NRDs. However, other than those types of activities required by the settlement, the technical staff is available to work with you. They do not need permission from me or Ann to do so.

The groundwater well registration staff at DNR is currently being reorganized and a new supervisor will be hired in the very near future. Soon thereafter Susan France, the new supervisor, and Mike Thompson will be requesting to meet with your technical staff and with you to improve the well registration database.
- b. In regard to decision making authority, as I said at the meeting, if you have technical questions, go to Mike Thompson. If you have policy questions contact me or Ann Bleed; office phone, email or cell phone are fine – but if its urgent, please call my cell @ (402) 432-8112.
3. In relation to funding for NRD compact activities, as I said at the meeting, I intend to continue to seek funding for NRD compact compliance activities as we did in our current biennial budget.

In response to John Thorburn's "To Do" list:

1. In regards to a "final" Basin Compact Compliance Plan, Dave Cookson is making some final changes to the plan to make sure it is compatible with the requirements of LB 962.
2. In regards to a "flawed" model data set used to create the allocation numbers, the only data set I am aware was flawed relates to a mistake Shuhai Zheng found in how the seepage for the Nebraska Courtland Canal was calculated. This correction will not significantly effect the bottom line numbers.
3. In regard to providing a model flow chart showing model inputs, DNR staff and the modelers are planning to do a detailed flow model, but as Ann explained in her earlier e-mail none now exists. In the meantime, DNR will put together a simplified version for both your staff and public consumption. We will also provide a list of input files and sources of input data for the groundwater model and allocation and consumptive use accounting.

As far as changing the calculation method of consumptive use, the only change DNR is currently contemplating presenting to the Republican River compact Engineering Committee and Administration is a change in the percentage of return flow from Bureau of Reclamation canals that gets to the stream. As more flow meter data become available, Nebraska will have to make an assessment of the data before proposing any changes to our current methodology.

The most important thing the NRDs can do now to improve the data for the model is get accurate meter records. Certifying acres and developing planning scenarios should also be priority at this time. The water use data and head water locations will be used to assess the accuracy of the groundwater model and along with groundwater level data, should continue to be collected.

4. A partial list of reservoirs that need to be checked for monitoring can be provided to you at any time. This list will probably not be complete; part of the monitoring effort will be to make sure all existing reservoirs are registered with DNR. Some of these reservoirs may also need to get permits. This inventory is further down the priority list than some of the things we're currently working on.
5. As mentioned above, setting up a process to make routine corrections to well registration will be discussed with the NRD managers as soon as a new groundwater supervisor is hired.
6. Regarding John Thorburn's e-mail of October 31, 2003, relating to wells along the Republican River boundary, we will follow up with staff and try to address your remaining questions.

I look forward to our meeting on March 1. At that meeting I think we should focus on the time line and process to get plans in place as well as continue to discuss numbers.