

January 25, 2006

Honorable Dave Heineman, Governor  
State Capitol Building  
Lincoln, Nebraska 68509

Re: Republican River Water Issues

Dear Governor Heineman:

The Board of the Lower Republican Natural Resources District (LRNRD) would like to thank you for your interest and involvement in addressing the difficult water administration and management issues that we are facing in the Republican River Basin. In particular, the Board is encouraged by your support for those incentive programs and activities that will help the State of Nebraska comply with the terms of the Republican River Compact and the *Kansas v. Nebraska* Settlement Agreement.

The Republican River Basin Natural Resources Districts (NRD) are committed to do their part to help the State of Nebraska maintain compliance with the Compact as adopted in 1943, and as implemented in accordance with the 2003 Settlement Agreement approved by the United States Supreme Court. We are also committed to ensuring that Republican River ground water and surface water resources are protected and preserved for our benefit, as well as that of future generations.

We are encouraged by the water use reports for this past year. Precipitation was not only more abundant in 2005, but generally arrived at the most advantageous time for our growers, allowing them to take advantage of this resource. That precipitation pattern, along with the farmers' good stewardship of their ground water resources, allowed the growers to pump an average of 33% less water in 2005 than they were allocated. Consequently, the ground water users within the LRNRD met the Goals and Objectives identified in the Integrated Management Plan (IMP) that was jointly developed by the Department of Natural Resources (DNR) and the LRNRD. We are proud of the manner in which the farmers have worked to deal with one of the worst droughts on record, and encourage them to maintain high levels of water use efficiency. They are continually adapting their operations to deal with changing conditions, while at the same time remain some of the top corn producers in the world, thereby providing substantial benefits to the State of Nebraska and our local communities.

The IMPs for the Republican River Basin NRDs call for Compact compliance to be achieved through a combination of regulatory and incentive programs designed to limit and, if necessary, reduce beneficial consumptive use of Basin water supplies. All of the

Districts, including the LRNRD, have adopted regulatory programs approved by the DNR to maintain compact compliance. The LRNRD is committed to enforcing its Ground Water Management Rules and Regulations and the IMP to ensure that the ground water users comply with its provisions. The LRNRD is also committed to complying with the various provisions of the Ground Water Management and Protection Act (GWMPA), which describes, among other things, the procedure and public hearing/notice requirements that must be followed if the IMP or the Rules and Regulations are to be amended at some point in the future to address changing hydrologic conditions. While the GWMPA precludes the Board from agreeing to amend the IMP or Rules and Regulations in any particular way without following the appropriate public process, the LRNRD wants to make it clear that it will work with the other Republican River Basin water users and the State to address changing needs in the future.

In short, while the LRNRD, like everyone else, is hopeful that the Republican River Basin may be returning to average precipitation conditions, it also recognizes that it is not possible to make any predictions as to long-term hydrology. The LRNRD is committed, however, to complying with the Compact, the IMP and related Rules and Regulations, and the GWMPA in order to confront and deal with changing conditions as they arise.

Basin-wide incentive programs, particularly those aimed at reducing surface water consumption, will be an effective tool to help Nebraska comply with the Compact during water short years. In the longer term, other activities, such as riparian vegetation management and maximizing Nebraska's imported water supply credit, will also help to ensure Compact compliance.

In conclusion, we look forward to continuing to work with you, the DNR, the Irrigation Districts, and the other Republican River Basin NRDs to honor Nebraska's commitment to comply with the Republican River Compact and the *Kansas v. Nebraska* Settlement Agreement. Your interest in, and involvement with, these difficult issues will ensure that we are able to develop a long-term solution to the water situation in the Republican River Basin.

Sincerely,

Nelson Trambly,  
Chairman

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