

Mike Thompson

From: Jim Cook [jcook@dnr.state.ne.us]
Sent: Tuesday, August 05, 2003 1:15 PM
To: mthompson@dnr.state.ne.us
Subject: Fwd: Markup of draft certification/no new acres rules



MRNRD Proposed
Rule Revisions ...

Mike, should have also sent this to you when I sent it an hour ago. Jim

>Date: Tue, 05 Aug 2003 12:23:08 -0500
>To: Dan Smith
>From: Jim Cook <jcook@dnr.state.ne.us>
>Subject: Markup of draft certification/no new acres rules
>Cc: <rpatterson@dnr.state.ne.us>, <ableed@dnr.state.ne.us>,
><dcookson@notes.state.ne.us>

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>Dan,

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>Attached is my rewrite of your draft rules regarding acreage certification
>for irrigation wells, use certification for other regulated wells, and
>limits on acreage expansion. I suspect you will be surprised by the
>amount of redlining I have done.

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>As you review the attached, you will see that I have altered some of the
>essential elements of the rules in your original draft; those changes will
>need to be discussed. However, most of the redlines reflect additions to
>what was provided in draft form and are meant to address questions that I
>believe need to be covered in the rules. I will be the first to tell you
>that after more consideration and discussion of the attached, I would be
>very surprised if there are not further major changes either because what
>I wrote does not address the issue the way the districts ultimately decide
>to address it and/or because there are still lots of gaps in the process
>outlined in the rules. Bottom line for me is that these rules need lots
>more consideration, not just by you and me, but by the basin group. In my
>view there should be as much uniformity as possible in the rules dealing
>with the certification issue.

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>One option would be for you to just move forward with Rule 9 as a stop
>gap. That is not as complex, but you will see that I have completely
>rewritten what you provided on that rule also. Even that rule reflects
>decisions your board (and probably the other boards need to be comfortable
>with before moving forward, e.g. the 1993 and 2003 dates and the specific
>reference to the RRC.

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>Give me a call if you want to discuss the attached. I apologize for the
>extent of the suggested changes, but I see each and every word of rules
>like these as critical. Making sure that what needs to be covered now is
>covered and in the correct manner is much preferred to having to deal with
>problems later. We will never be able to avoid all the problems, but we
>need to do our best up front to avoid as many as possible.

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>Jim Cook