

~~John RKP~~
Tina

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Natural Resources District

July 25, 2005

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Lexington, Nebraska

RAY WINZ
Holdrege, Nebraska

Mr. Roger Patterson, Director
NE Department of Natural Resources
POB 94676
Lincoln NE 68509-4676

RECEIVED

JUL 26 2005

DEPARTMENT OF
NATURAL RESOURCES

Dear Roger:

I would like to respond to a letter that you sent me on July 5, 2005, concerning our district's work to develop a draft version of an integrated water resources management plan. Tri-Basin NRD recognizes that we have an obligation to jointly develop an integrated management plan for our district with the Department of Natural Resources. You are correct to state that your staff were not explicitly invited to attend a district committee meeting during which the draft integrated management plan was discussed along with other agenda items. That omission on my part should not, however, be seen as an effort by Tri-Basin NRD to undermine either the legal requirements for joint planning or the spirit of collective effort that we both desire to foster. I imagine that you and your staff also occasionally meet to discuss and develop policy positions related to integrated management plans without inviting staff and directors of affected NRDs.

I have written a draft version of our portion of an integrated management plan. The purpose of developing this draft is not to present the department with a completed plan. We do have an obligation to our constituents, however, to consider how to structure what is likely to be a complicated plan. The integrated management plan for Tri-Basin NRD will encompass portions of three river basins, an area designated by the state as overappropriated, a portion of the district that we anticipate DNR will declare fully appropriated next January and other portions of the district that are subject to interstate compacts and US Supreme Court decrees. Tri-Basin NRD directors also need to discuss among themselves how (or whether) we need to revise existing district groundwater management rules to conform with the legal requirements for a joint integrated management plan.

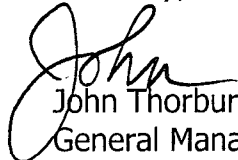
I would suggest to you that our efforts to develop this draft plan will not require us to "back track or substantially redo the work once the joint process is undertaken" as you stated in your letter. I believe that, on the contrary, our work on a draft plan will facilitate and accelerate the progress of our joint planning process. After the Tri-Basin NRD Board of Directors have an opportunity to review the draft plan and approve it for distribution, I will send you a copy of it.

I would like to remind you of an impediment to development of an integrated management plan in Tri-Basin NRD. As you are aware, we need to consult with

Central NE Public Power and Irrigation District (CNPPID) in addition to working with DNR as we develop our integrated management plan. Ann Bleed, Tina Kurtz and you have represented DNR in meetings with CNPPID directors when development of an integrated management plan was discussed. These discussions highlighted the need to resolve the status of CNPPID's incidental recharge water rights and whether those water rights can be utilized by Central customers either as a supplemental irrigation water source or as a source of water to offset depletions to streamflows in the Platte Basin. A related question is whether this water is considered by the state as groundwater or surface water stored underground. Until you and your staff respond to our request to clarify the status and potential uses for these water rights, I don't believe that we can develop an effective, comprehensive integrated management plan for this district.

I hope that I have cleared up any misconceptions that you may have had about our district's integrated management planning efforts. I look forward to discussing our ongoing joint integrated management planning efforts during our meeting on August 1 at 7:30 PM at CNPPID headquarters in Holdrege.

Sincerely,


John Thorburn
General Manager

Cc: TBNRD directors
Ann Bleed, NDNR
Don Blankenau, Fennemore-Craig
Don Kraus, CNPPID

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