From: Swanda, Marvin R
To: Aycock, Gordon L
Subject: FW: Brief of NE in Response to KS Motion for Leave
Date: Thursday, July 08, 2010 2:37:02 PM
Attachments: image003.jpg
Table No 1 Depletions by NRD.pdf

From: Brad Edgerton [mailto:Brad.Edgerton@fcidwater.com]
Sent: Thursday, July 08, 2010 3:14 PM
To: Thompson, Aaron M
Cc: Swanda, Marvin R; 'Jeanelle R. Lust'; Scott, Craig D; 'Katherine S. Vogel'
Subject: Brief of NE in Response to KS Motion for Leave

Aaron,
I was reading Dunnigan's Declaration in the Brief,
Item # 16 on page 39 of the pdf file (App 5) conflicts with the IMPs.
It looks like they are playing with the words so it appears that a 20% reduction in CBCUg!!

16. In other words, the IMPs required the NRDs to take affirmative actions to reduce groundwater pumping in their respective districts to meet a consumptive use reduction of 20% from the pumping experienced from 1998 to 2002. Like the original IMPs, the second generation IMPs also limited each NRD's allowable groundwater depletions to the NRD's fixed percentage of Nebraska's total allowable CBCUg.

Page 3 from the URNRD:

The URNRD and the DNR agree that the IMP for the District shall keep the NRD's depletions including credits for stream flow augmentation, as determined by the Republican River Compact Administration (RRCA) ground water model (GWM) and in accordance with the RRCA Accounting Procedures to an amount within 44% of the allowable ground water depletions. Based upon its calculations, the DNR believes that at the time this IMP became effective, a 20% reduction in pumping from the 98-02 baseline would be sufficient without additional stream flow augmentation to keep the District's net depletions within the URNRD's 44% share of the allowable ground water depletions during periods of average precipitation throughout the basin. As described in sections below, during periods of low water supply additional reductions from the 98-02 pumping volume may be necessary.
A 20% reduction in pumping is not a 20% reduction in consumptive use.
Item #24 is also incorrect:
24. In addition, prior to approval of the FSS, Nebraska maintained groundwater use was not subject of Compact regulation, and groundwater depletions in the Nebraska portion of the Republican River Basin reached their highest levels immediately before the FSS was executed.
According to Jim Schneider's table 1 attached; the depletions continue to increase and are higher now than when Kansas filed suit in 1998.
It is good to see Item # 28 in his Declaration.
In Item 46 he says surface water will be curtailed; The IMPs allow surface water to use the Storage water in the Reservoirs'.
Brad

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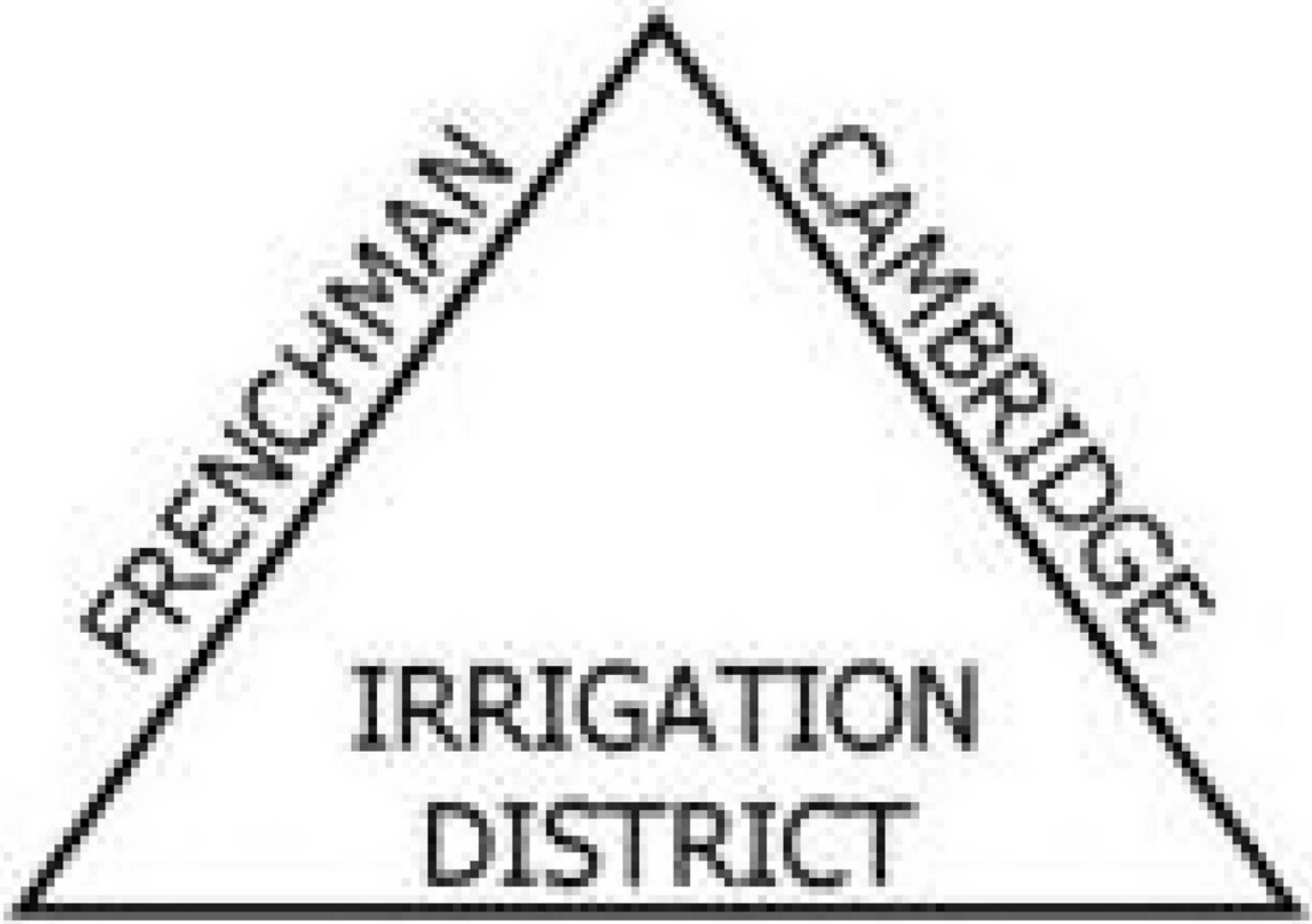
FRENCHMAN
CAMBRIDGE
IRRIGATION
DISTRICT

Depletions to the River from Groundwater pumping!

DRAFT					
	Upper Republican	Middle Republican	Lower Republican	Tri-Basin	Totals
1980	46,750	34,510	31,120	4,440	116,820
1981	51,950	49,620	34,710	6,100	142,380
1982	51,950	43,520	34,020	5,920	135,410
1983	49,080	35,390	34,240	5,870	124,580
1984	53,680	45,500	37,040	6,410	142,630
1985	57,040	48,400	38,100	7,510	151,050
1986	55,880	44,690	35,680	6,880	143,130
1987	59,510	48,970	36,450	8,090	153,020
1988	59,860	45,650	38,110	7,720	151,340
1989	59,670	42,840	37,290	8,100	147,900
1990	63,940	46,760	38,010	8,870	157,580
1991	68,380	54,690	42,680	9,320	175,070
1992	68,810	58,210	41,790	11,290	180,100
1993	72,170	52,250	40,730	10,790	175,940
1994	66,870	45,380	43,740	10,000	165,990
1995	73,230	56,260	50,340	11,080	190,910
1996	78,610	63,760	46,060	12,270	200,700
1997	73,150	53,050	48,260	11,530	185,990
1998	75,490	51,740	46,210	11,640	185,080
1999	82,740	61,370	45,510	13,090	202,710
2000	76,780	46,910	47,140	12,210	183,040
2001	81,220	68,720	47,920	13,380	211,240
2002	72,890	48,690	45,400	11,070	178,050
2003	81,370	54,200	52,230	14,090	201,890
2004	78,630	62,270	55,280	15,120	211,300
2005	76,630	60,070	56,130	15,490	208,320
2006	72,990	53,790	52,150	16,820	195,750
2007	80,620	62,940	53,230	17,900	214,690
2008	82,340	55,820	51,520	17,690	207,370
2009	85,978	64,809	58,968	18,246	228,000
PROVISIONAL DATA SUBJECT TO CHANGE					

Table No. 1

Note: data provided by Nebraska Department of Natural Resources