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DEPARTMENT OF NATURAL RESOURCES  
Brian P. Dunnigan, P.E.  
Director

NEBRASKA-KANSAS AREA OFFICE  
GRAND ISLAND NEBRASKA

August 23, 2010

Aaron Thompson, Area Manager  
Bureau of Reclamation  
P.O. Box 1607  
Grand Island, NE 68802-1607

Mr. Thompson:

Thank you for the opportunity to meet with you and/or your staff on both July 9, 2010 and more recently on July 30, 2010. I am also in receipt of your letter dated July 27, 2010. As a result of the meetings, the questions in your letter, the testimony offered by Reclamation at the hearings on the Integrated Management Plans (IMPs), and your extremely broad information request originally sent to the Department shortly before those hearings one thing is very clear: Unfortunately, Reclamation did not have the basic level of understanding necessary to critically evaluate the IMPs at the time it presented testimony at the hearings in June, which was very critical of those plans. It is also apparent to me that the Reclamation staff we met with on July 30, 2010 came to the realization during the meeting that their "understandings" of the IMPs were not correct.

I am disappointed that a Federal agency such as Reclamation would offer testimony of the nature you presented at those hearings without a complete understanding of the subject matter. However, I do recognize that Reclamation does have a vested interest in gaining a complete understanding of the IMPs. My staff has invested literally thousands of hours in understanding the complex relationship between the groundwater model, various climatic conditions, the surface water system, and the resulting Compact accounting. This investment in technical resources and expertise has allowed us to design these IMPs, which both ensure Compact compliance (which requires a healthy surface water system) and allow a fair degree of flexibility for the Natural Resources Districts (NRDs) in their management strategies.

Therefore, I offer an attempt at answering the questions contained in your letter of July 27, 2010 (please see the attachment). While I hope these answers also represent the viewpoints of Dan Smith and Jasper Fanning of the Middle and Upper Republican NRDs, respectively, they may wish to offer any clarification or additions they would see fit. I do not believe that the answers provided to your questions will get you to a full understanding of the IMPs. I understand it can be difficult to frame the appropriate questions without some basic level of understanding.

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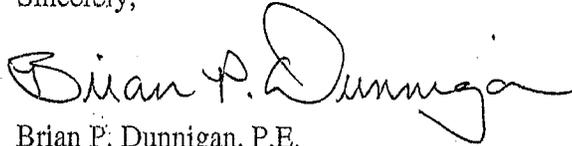
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Mr. Aaron Thompson  
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As witnessed by the many meetings held over the past year, the Department is willing to work with Reclamation to help you develop a complete understanding of the IMPs. I have also attached the final version of this IMP (the modifications made to the IMPs for the two NRDs are nearly identical, only one is attached) that the Department and NRDs intend to adopt by order in the near future. Given the past lack of understanding by Reclamation on the content of the revised IMPs, it does not seem prudent at this time to provide any of the additional information included in your request from May 26, 2010. After you have had a chance to review these responses, I would be happy to meet to discuss this matter further. At that point, if an additional information exchange is needed, we would be glad to provide assistance to Reclamation to help frame that request and provide appropriate data and analyses.

Sincerely,



Brian P. Dunnigan, P.E.  
Director

Attachments

cc: Jasper Fanning, Manager, Upper Republican NRD  
Dan Smith, Manager, Middle Republican NRD  
James Pennaz, Corps of Engineers, Kansas City, MO  
Mike Ryan, Bureau of Reclamation, Great Plains Regional Office, Billings, MT

DNR response to questions from July 27, 2010 Reclamation letter:

1. The IMP goal referenced in this question is being met. An increase in the level of depletions caused by uses initiated prior to the date the basin was designated as fully appropriated are not surface or groundwater uses begun after the date the river basin was designated as fully appropriated. See the groundwater controls on page 9, specifically number 3 and 4, which prevent the initiation of new uses, such as new wells or newly irrigated acres. The reduction of pumping by 20% will reduce the combined effect of groundwater pumping to the aquifer and the stream by 20%.
2. It is important to note the end of this goal, which qualifies "to the extent allowed by statute and the surface water controls of this IMP." The surface water controls of the IMP begin on page 10. All applicable state statutes can be found by accessing the following website, [www.nebraska.gov](http://www.nebraska.gov).
3. The compliance standards of the IMPs are two-pronged. There is a reduction in overall pumping, and there is a requirement to remain within the allowable groundwater depletions. Therefore it is difficult to answer this question, which is apparently only focused on the first part of these compliance standards.
4. The selection of the baseline period is only important as it relates to the relative distribution of pumping and depletions between the three NRDs. Additional reductions may or may not be necessary to achieve long term compliance. Certainly any reduction in groundwater pumping will result in depletions due to groundwater pumping that are less than what they would have been without those reductions in groundwater pumping. Groundwater mining is not directly within the purview of the integrated management planning statutes and authorities of the Department.
5. The IMPs do address improving long-term surface flows, as healthy streamflows are necessary to ensure compliance over the long term. Your reference to "existing deficits" is unclear. Reducing groundwater pumping by 20% will reduce the impacts to streamflows in the basin, as compared to a scenario in which groundwater pumping was not reduced by 20%.
6. There is not a priority date for the Compact Call.
7. The determination of the surface water depletions that are projected for the upcoming year as part of the forecast is detailed in the Forecast procedures beginning on page 15.
8. The IMPs provide for any number of management options that could be designed to improve equity between surface water users, combined users, and groundwater users. Cooperation between these entities will help to ensure equity during periods such as those that occurred in 2005 and 2006. However, the IMPs can and do, above all else, ensure Compact compliance, and this must be the first priority.
9. The IMPs do not "essentially curtail all surface water use". The Monitoring section of the IMP details the projection of surface water use, groundwater use, and any potential adjustments to those uses that would be required in a Compact Call year.
10. The State of Nebraska will not compensate any water users that may be forced to curtail or limit their uses in order to keep Nebraska within its Compact allocation.
11. This issue is addressed in the definition added to the final draft of the IMPs agreed to by the Department and the NRDs, in the definition of a Compact Call Year.
12. Some inflows to Harlan County Lake may be required to be by-passed if flow targets (which would be designed to ensure the Compact Call streamflow volume was achieved)

at Guide Rock or Hardy are not being met. The passage of the IMPs would not have the power to alter the consensus plan. No approval by the RRCA is required to implement these IMPs.

13. There may be a required curtailment in the Rapid Response Area in some or all of the NRDs during a Compact Call Year. Once this curtailment is triggered, it would not be lifted in that year.
14. I understand that the Middle and Upper Republican NRDs have Rules and Regulations in place to deal with such issues that arise and to discourage future violations.