

Dear Editor:

Over the next several weeks, I will offer a summary of the nine problems we found with the computer simulation (the Model) that is used to determine if Nebraska is in compliance with the Compact with Kansas.

Over two years ago, WaterClaim provided detailed documentation (showing these problems) to the governor, the Department of Natural Resources (DNR), the attorney general, and the natural resources districts (NRDs).

We did get a nice letter from the governor, promising to have the DNR give the information careful consideration.

However, to our knowledge, none of the problems have been corrected or addressed.

Instead, you will often see water policy people state that the Model works properly. It does not.

The NRDs are limited in what they can do, but it is their responsibility to make sure that the system that is used to regulate us is accurate. They have the resources and the authority to cause the problems with the Model to be addressed.

Some of the problems cannot be fixed without the agreement of Kansas. Kansas has little incentive to agree to fix problems that currently work in their favor.

But, Nebraska should still bring these subjects up for discussion and, when the case returns to the US Supreme Court, be prepared to ask the Court to correct the errors.

Some of the errors appear to be made by choice. In other words, the people who made the simulation apparently choose to create formulas that shifted the results to favor or disfavor things that they wanted to encourage or discourage.

Some of the people who are responsible for fixing the errors are the same people who created or allowed the errors in the first place.

Not all errors appear to be intentional. But, since the formulas were developed in secret by people who are under non-disclosure agreements that still prevent them from talking, it was impossible for any errors to be found and corrected before the agreement was locked into place and the simulation implemented.

Even the NRDs were excluded from the process, though they were informed as to what was happening, on the condition that they tell no one until things were decided.

Over the next several weeks, I will try to summarize each of the nine problems we found. Additional documentation will be available on our web site.

If you find the evidence compelling, then please ask your representative to act on it. If you choose to remain silent or dismiss the flaws as unimportant, then don't complain when dramatic cuts in allocations are required especially for those close to the stream.

The current plan being discussed only in executive sessions calls for a shut down of all wells close to the stream in water short years.

Flawed computer simulations will have an economic impact not only on the people close to the stream but entire communities.

Problem #1 – Benefits Capped

The benefit to the stream of reduced pumping is capped at 17 percent.

No matter how much we lower the allocation to and no matter how long we wait, the increase in stream flow is limited to 17 percent of any water saved.

For example, we were pumping 100 acre feet from a well, we stop doing that. The most water

that will ever show up in the stream according to the Model is 17 acre feet. It doesn't matter if we wait five years or 50 years.

The limit in benefit was intentionally set by the people creating the Model.

The DNR explains that if the water is not used by irrigated crops, then the 83 percent of reduced pumping that fails to make it to the stream fails because there is an increase in water usage by the trees and grass near the stream.

The consequence of this intentional and arbitrary cap in benefit is that the Model says more pumping must be reduced or eliminated to gain the total benefit required.

A more detailed description, along with a chart to clarify the information and documentation to prove what is said here, is provided on the waterclaim.org site.

To correct the problem would require the three States to agree to modify the formula. As that is highly unlikely to happen, the only other recourse is for Nebraska to ask the US Supreme Court to correct the problem.

Nebraska is likely to have one chance to do this when the issue returns to the Court.

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