PLATTE RIVER
RECOVERY IMPLEMENTATION PROGRAM

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May 23, 2016

Robin Marshall
2033 Central Ave
Kearney, NE 68847

Dear Mr. Marshall:

Thank you for taking the time to stop by the office on Monday, May 9th, and visiting about your concerns of water on your property this spring. This has been a very unusual spring and we appreciate the chance to visit about Program water and the land we use to improve habitat for our three threatened or endangered bird species.

First I wanted to identify the things we spoke about to make sure we are discussing the same conditions and locations. Then I will share with you our information collected regularly and the detailed information about surrounding lands going back several years.

You said you have been concerned that several things may have affected conditions on your land in the North West ¼ of Section 14, Township 8 North, Township 19 West, in Phelps County. You also call this the Guyer farm. This property is bounded on the west side by county road J. Your other land is in the east ½ of Section 14, Township 8 North, Township 19 West, in Phelps County. You call this the Crawford farm and it is bounded on the east side by county road K.

The photos you provided were helpful; now on to your points.

You believe that land the Platte River Recovery Implementation Foundation (PRRIF) owns beginning one mile west of your land, and the management of the water on PRRIF land for habitat, may be causing water to stand on your properties. You felt that ground water pumping in the fall and spring, when migrating birds are passing through the area, could be increasing groundwater levels and affecting your properties. You brought the pictures to show this year's standing water in your fields and on the land west of road J as support that our activity might be part of the problem.

It is true that groundwater flows generally toward the north east in this area, but it is not true that water levels in this area have risen beyond the immediate vicinity (on the order of a quarter mile) of our ponds as a result of our work. Our work at PRRIF land has included an extensive monitoring program that provides very good records of past and present water levels of ground water and

stage in the Peterson Ditch. We have several monitoring wells in the area and keep detailed records showing changes in the groundwater levels. The pumping into our three water impoundments has been very limited and shown no rise in local groundwater levels over the past 3 years beyond the immediate vicinity of the western most ponds. Tri Basin NRD monitoring well records confirm this observation. We also work with our first neighbor to the east, (the Peterson family); to make sure we are not affecting their property with our activities. They have had no increased water on their property as a result of our limited pumping into water structures on our land. The Peterson family also had two impoundments built before they purchased the 240 acre site just west of your land. Our pumping this year has not caused additional water on their property. The pumping we do is limited to 70 days or less in the spring and 70 days or less in the fall. This spring we only pumped for 45 days and stopped before the rain events.

All evidence indicates that both increased surface water accumulation and high groundwater levels this spring is the result of significant rainfall and the protracted high flows in the Platte River. You must be aware of the large amount of rainfall in this area; about 7.5 inches in the last two weeks of April with about 4.5 inches of this falling in just three days. This extraordinary amount of rain in conjunction with high groundwater levels resulting from protracted high river flows prevented rain water from infiltrating into the soil resulting in the standing surface water and delays in drying down of the soil to allow for planting. Prior to the recent rain events none of the Peterson land was wet. After the rain events, water showed up on the surface of their land and in the ditches as your pictures show.

After your visit Monday, Art Marshall called Tuesday May 10th to make sure I understood some additional information. Art felt we caused the wet conditions because we pumped on PRRIF land. Art asked about our structures in the Peterson Ditch. I explained that our water checks are backing water upon our land and not affecting the downstream flows. Art thinks they are affecting your land but our data does not support this conclusion. He then moved on to say the Pederson land east of us is wet and I reminded him that this property actually had things done to it to hold water on that parcel of land. Two structures were built to hold water in high rainfall events. This should have helped your situation by detaining water that might have flowed on to your property. Art told me that he has farmed for 40 years and things seem to be different since we are pumping and since we checked the Peterson Ditch. Finally he said one of three things needs to happen:

1. We dig a ditch south to north along road J straight to the river to drain water and keep it away from your farm ground.
2. We stop letting water through to affect your land.
3. We buy you out and get you better farm ground somewhere else.

I think we have addressed everyone's concern in this letter, but if not or if I have represented anything inaccurately please let me know. In looking at the land Monday night May 16th, 2016 it appears you have planted the land and all surface water seems to be going away. That appears to be from reduced rainfall and the water moving down into the soil profile. Again this process is slower this year due to the high flows in the Platte River. In reviewing past years planting and

growing crop photographs, the areas you did not plant this year appear the same areas that have not been planted in prior years of high groundwater levels.

While we do not feel responsible for the rainfall or the wet conditions this spring, we will be happy to discuss acquiring the land in the North West ¼ of Section 14, Township 8 North, Township 19 West, in Phelps County. We are willing and looking for available properties like this one to help satisfy goals of the program. If you are interested please let me know.

If we do not hear back from you we will move forward with program objectives with the understanding that you concur with our analysis of the conditions that have made this situation occur.

Thank you for the discussion.

Sincerely,

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