

Ronald D. Klein, P.E.

[address deleted for spam protection]

April 5, 2005

Fed Ex Transmittal

Governor Dave Heineman
Office of the Governor
1445 K St.
Lincoln, NE 68509

Subject: (Mis)Behavior of Nebraska Department of Natural Resources

Dear Governor Heineman:

I am a Nebraska native, UNL Engineering graduate, and a 4th generation Nebraska landowner. My wife and I own the central Nebraska agricultural property on which I was raised. I am writing you to ask that you take strong, forceful, and immediate actions to prevent harm to the great state of Nebraska due to the (mis)behavior of the Nebraska Department of Natural Resources.

And, I would also like you to present the enclosed certificate to Mr. Roger K. Patterson, DNR Director.

Trust me, I am not a crank. I have a legitimate basis for this. The numerous examples of the misconduct of this important department in recent years has caused me to conclude it is a well deserved and appropriate "honor". The actions of this entity can only be described as irrational, completely political, inconsistent, extremely disrespectful to the abilities of hardworking citizens of the state, and extremely harmful to the economic and cultural future of a great state. Unless you put a choke-hold on this rogue department, people will soon be calling Nebraska a "FORMERLY Great state that USED TO have a good economy based on highly productive agriculture."

Frankly, the last straw in this equation is Mr. Patterson's recent (mis)conduct in the matter of "negotiated rulemaking in regards to fully appropriated basins". His actions and misconduct in this matter clearly demonstrate the completely irrational lack of scientifically based and orderly decision making on water issues of all types in Nebraska. DNR is "broken".

In the past, it has been the position of DNR that the results of the COHYST model would form the basis for integrated management plans. The 40 year, 28% criteria was to form the basis for these plans. While COHYST is clearly far from ready for such use, it can be probably eventually made to work with a very extensive effort still required. That effort, by the way is far greater than what people are admitting to - or perhaps even understand. But, it is now blatantly obvious that DNR was expecting different results from COHYST. The initial lines - in the central Platte area - are not as far from the river as they had expected.

Now their (DNR) true colors are showing. Since they didn't get the answers they wanted, they have decided to change the rules. They are now proposing to change the previously established criteria to one which gives them the answer they apparently want! Furthermore, it is my understanding that Mr. Patterson has essentially said that ' ... if you don't agree to my request, then I will force it on you through another process of standard rulemaking...' This is blatantly irresponsible and truly constitutes misconduct on the part of such a governmental entity. It is simply intolerable and instead of representing scientifically based

approaches to such matters it resembles the conduct of a bully in a bar fight.

This kind of approach on public interest issues simply needs to be stopped. Such conduct on the part of government officials paid to serve the public should simply not be tolerated.

This is simply the latest example of "Bad Science". Actually, it represents NO science.

A couple of other vivid examples of the (mis)behavior of high DNR officials include the comments by Mr. Jim Cook at a meeting in Lexington on June 29, 2004 at which the then-Governor was present. In response to a request from a Dawson County Commissioner to show scientific proof of the claims being made regarding interaction between irrigation well pumping and Platte River flows, he said:

"Well, we don't have ALL the details, but we 'JUST KNOW' the pumping of groundwater affects river flow...."

Excuse me, but this is not only BAD Science. It is POLITICAL science! It has absolutely nothing to do with science.

If you examine the data I am going to include with this letter, you will notice the USGS/DNR data certainly does not support this claim. As well counts have increased, river flows have done the same. Furthermore, the Platte has always dried up following the peak runoff season. That was true long before groundwater development. It is a result of ending of snowmelt in Colorado and Wyoming - not groundwater pumping.

Another example of the (mis)behavior of DNR officials were the remarks by Ann Bleed, Deputy Director of DNR at a meeting of the Middle Republican NRD during the summer of 2004. The purpose of that meeting was supposedly to explain the model being used in that basin. Instead of making a sincere effort to explain it, she essentially said "... It is just too complex for you to understand ... after all, Roger and I have realized that we don't know how cell phones work, but they obviously do.... so, you just need to 'trust us' that our model is correct ... "

I simply suggest to you that parties who pay taxes to pay a state official's salary to serve the public really do deserve better treatment than that by such an official. Not only is it disrespectful, but my experience is that when people use avoidance tactics in order to not explain technical positions based on science and engineering, it usually means they are wrong! And, the reason they do that is often to avoid the truth coming out. Or, they have no rational basis for their positions and they simply don't want that to be known. This is Political Science, NOT SCIENCE.

Additionally, I will enclose a collection of other inconsistencies in statements by people involved in these issues so you understand the breadth of the problem.

I strongly suggest you re-evaluate the staffing at the top levels of DNR. This simply is not right and is doing a great disservice to the hardworking taxpayers of the state of Nebraska.

Also, in February, 2004, I wrote then-Governor Johanns regarding my concerns about these various issues.

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I provided him a great deal of factually based information which has resulted from my analysis of these issues over the last several years. I am enclosing a copy of that letter for your use.

I never even received so much as an acknowledgment of my letter to Governor Johanns. I ask that you personally examine these facts and take action to correct the problems. It is clearly in your executive authority to do so. And, in the interests of the future of the state of Nebraska, I believe that you really do need to do something about the inappropriate handling of these matters by DNR and other public entities over which you have authority. And I would, of course, appreciate your considered response to this letter.

I trust that you want both your future as Governor, and the future of the state of Nebraska, to be a positive one. That is certainly my wish. In that light, it is in everybody's interests for you to take strong and timely corrective action on these matters.

My strong recommendation is that you engage a completely unbiased outside entity (or entities) to evaluate this situation. I would be willing to assist you in identifying some very competent firms that I am familiar with, but have absolutely no interest in, who might be able to help you. True independence is necessary because of the seriousness of this situation. There is currently no entity involved in these matters that has such independence and unbiased viewpoint. That is a fatal flaw in these situations. The situation is so politicized it truly represents a form of corruption.

My ancestors worked very hard to contribute to the development of this state beginning about 120 years ago. Others did the same. Unless this "careening and misdirected freight train" is stopped, all their efforts will have been for naught. The things that they worked diligently and honestly to develop will have been destroyed by the fraudulent actions of individuals and organizations that are basically acting dishonestly in order to serve their perceived selfish personal interests. DNR is clearly behaving this way.

This is simply wrong, and I ask your immediate and forceful executive action to stop this and correct these problems before it is too late.

If I can assist you in any way, please do not hesitate to contact me at any time.

Thank you again for considering this information and I look forward to your corrective actions to cause constructive change to this situation. And, I look forward to your reply when the time is appropriate.

Very truly yours,

Ronald D. Klein

cc: file

w/attachments & CD enclosure.