

Yolanda Sandoval

From: Pope, David L. <DPOPE@KDA.STATE.KS.US>
Sent: Friday, May 07, 2004 1:51 PM
To: KBID
Cc: Barfield, Dave; Ross, Scott
Subject: RE: Water distribution criteria
Attachments: 2004 Bostwick Operations.doc

Thanks for the quick comments. I have deleted what was paragraph 6, except I included in paragraph 5 the requirement to protect releases (even though it should be covered anyway by the settlement), and will send the revised version to Nebraska and the Bureau later today. The only other changes are minor grammatical, etc. I expect we will have another draft to review before it is finalized, as Nebraska or the Bureau may also have comments, so let me know if Elvin or you see something else.

I don't see any reason why you should not start next week. Is there anything in the contracts or agreements that prevents deliveries before Lovewell is at its target elevation? Its close and it makes sense to let the users above Lovewell get some use of the limited water available. David

-----Original Message-----

From: KBID [mailto:kbid@courtland.net]
Sent: Friday, May 07, 2004 1:20 PM
To: Pope, David L.
Subject: Re: Water distribution criteria

Dave,

I have reviewed your material and find it to be pretty much the as we had discussed earlier. The following are my comments:

Our ability to reach target elevation next week is doubtful. Our flows just like the river flows elsewhere are dropping as the temps rise. The Bureau has erroneously reported the flow into Lovewell at 90 cfs when they are more like 30 cfs.

Item 5) should take care of the issue in Item 6). Item 6) is the one I didn't agree with after we discussed it the other day. Once releases are made, the natural flow should be split by percentages as designated in the Contracts.

I still plan to start some irrigation above Lovewell next week. We have a handful of irrigators who can get some value from irrigation now and we should give it to them if possible. If the summer is continuously dry, this will be their only opportunity to benefit from irrigation. If 40 cfs of flows stays constant in the River, the Superior Canal users will have much more opportunity than we will.

I will forward this to Elvin Hobson but will not be able to discuss it with him before Monday. You may forward anyway if you agree and adjust for my comments.

Kenny

----- Original Message -----

From: "Pope, David L." <DPOPE@KDA.STATE.KS.US>

To: "KBID (E-mail)" <kbid@courtland.net>

Cc: "Barfield, Dave" <DBARFIELD@KDA.STATE.KS.US>; "Ross, Scott"

<SROSS@KDA.STATE.KS.US>; "Mendez, Debra" <DMendez@KDA.STATE.KS.US>

Sent: Friday, May 07, 2004 11:39 AM

Subject: Water distribution criteria

Kenny,

I talked to Steve Ronshaugen at the Bureau and with Roger again, then we all talked this morning together, including Steve and Marv Swanda. I think we are close to something that is similar to what you and I discussed. I agreed to draft up some operations criteria bullets that we could all look at. The idea is so we can all see that we are on the same page, but not to make this a formal agreement, and to clearly state that it is a trial arrangement for 2004 only, and that it does not set precedent for any of us.

I stated on each of the calls our disagreement with some of the premises proposed by Nebraska regarding the distribution of water above Lovewell.

My draft is attached. I have not shared it with Nebraska or the Bureau, until you have a chance to look it over. The Bureau is to draft up a summary of how the water would be distributed, if any stored water is available from Harlan Co. I understand that it will indicate that it would result in a calculation of the amount that would be available to each district, based on a certain amount per acre above Lovewell, adjusted for efficiency, and would include the amount of natural flow diverted in the total supply. In short, the Superior natural flow diversions would count towards the amount they would get, as would the diversions to KBID.

However, I cautioned them that the actual amounts should also recognize that some of the water available to KBID may not be as usable if it is very low flows or occasional high flows for short periods of time.

I think everyone is anxious to get this resolved so everyone will know how it is going to operate. I said I will try to get the draft out later today.

The Bureau will their storage/accounting write up, which can be inserted or attached, and we can get this resolved by the middle of next week.

Nebraska may not like some of my language, as Roger wants at least some water to go to the Nebraska Courtland users, even though it may not be much.

It sounds like early to mid next week is when Lovewell will reach its target elevation, and I understand you may start making some deliveries to a few pivots, etc. Roger said Mike may also start soon, but I encouraged them to hold off for a while so you could continue to run some water in the Courtland Canal and get some early deliveries in. Roger is encouraging you and Mike to coordinate when you start, but has agreed to administer the juniors whenever there is not sufficient water to meet the delivery needs by either district.

Please call or email when you have reviewed this and let me or Debra know if you can not open the attachment or something, as we can get it to you another way. I need to leave early today, so the sooner the better.

Thanks, David

<<2004 Bostwick Operations.doc>>

2004 Operations criteria for the Kansas Bostwick Irrigation District
and the Bostwick District of Nebraska. (draft)

- 1) When water is needed for diversion at Guide Rock by either the Kansas Bostwick Irrigation District (KBID) or the Superior Canal, Nebraska will close junior and require compliance with senior natural flow diversions of surface water as per the Republican River Compact Litigation (RRCL) settlement agreement. The districts will consult about when they plan to begin making deliveries and coordinate their operations to the extent possible to maximize the efficiency of use.
- 2) The Superior canal will be allowed to divert the natural flow (i.e. gain below Harlan Co. Reservoir) up to its first water right of approximately 40 CFS, with a priority date of April 3, 1946. When the flow available at the diversion dam exceeds 40 CFS, then KBID may divert the entire amount above 40 CFS in accordance with the priority date of February 26, 1948 that was identified for KBID in the RRCL settlement. In all other respects, KBID may divert as much water as they need and desire in accordance with their Kansas Water Rights. KBID can divert any and all flows over 40 CFS until all KBID irrigators above Lovewell Reservoir wanting water are receiving it. If additional flow is available to the Courtland Canal, it will be shared with the Bostwick District of Nebraska if they want and need additional water, for their users on the Courtland Canal or the Superior Canal.
- 3) When there is sufficient natural flow for the Superior Canal and KBID to both divert some natural flow at the same time, they may by agreement, rotate the available flows so that the net quantity available to each is the same as would otherwise be available to each during a given period, such as one week. For example, if there is a total of 60 CFS available, then Superior could take 80 CFS for 3.5 days per week, and KBID could take 40 CFS during 3.5 days per week.
- 4) The Courtland Canal in Nebraska will normally not be checked up and will be run on the bottom to minimize ditch losses so water can be available to KBID users. If there are occasions where water can be efficiently made available to share natural flows with Nebraska users on the Courtland Canal, the canal will be checked up in a manner to not interfere with the Kansas flow, as best can be operated by KBID. This may include making very low flows that would not reach Kansas available to Nebraska users at the upper end of the canal. These operations will be coordinated between the two districts.
- 5) Natural flows delivered to the Superior Canal will be accounted as part of Nebraska's share from Harlan County Reservoir, if water is released from storage, and the natural flows will be split by percentage as per the operations agreements in place for the Kansas and Nebraska Bostwick Irrigation Districts. Nebraska will protect storage water released from Harlan County Lake for delivery at Guide Rock from surface water diversions in accordance with the provisions of the RRCL settlement.
- 6) This criteria is for the year 2004 only and shall be considered a trial arrangement. It sets no precedent for any other period or for interpretation of the Republican River Compact, contracts, agreements or rights of the irrigation districts, the States of Kansas, Nebraska or the Bureau of Reclamation.
- 7) Neither KBID or the State of Kansas agree that the Bostwick District of Nebraska or the Superior Canal has a right to receive water prior to KBID or that Nebraska should receive preference for use of natural flow on lands that are served above Lovewell Reservoir, irrespective of the amount of water available for use on lands in KBID served by stored water from Lovewell Reservoir.