STATE OF NEBRASKA

Dave Heineman
Governor

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

December 6, 2012

IN REPLY TO:

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th St., 2nd floor
Topeka, KS 66612-1283

David

Dear Mr. Barfield:

I am writing this letter to inform you that we recently met with officials from the United States Bureau of Reclamation (Reclamation) to discuss potential impacts and measures available to some Reclamation water users next year, including the Kansas Bostwick Irrigation District (KBID). The need for the discussions grew out of our recent preliminary forecast in the Republican River Basin (released November 15, 2012) which, if it holds, would indicate that the use of surface water for irrigation and storage in reservoirs will be limited next year. The meeting's discussions focused on the opportunity that Nebraska can provide Reclamation in the upcoming year to reregulate flows in Harlan County Reservoir that would otherwise be required to pass downstream into the State of Kansas.

If our current forecast holds, Nebraska will be required to issue an order and closing notices on January 1, 2013, that will prevent the diversion and storage of natural flow within the State of Nebraska. This order will not interfere with the water that is currently stored in the Reclamation reservoirs. Nebraska's Compact compliance efforts will require these actions so that we ensure that the management actions taken by Nebraska's Natural Resources Districts to generate streamflow are not stored or consumed in Nebraska, but rather made available to the State of Kansas.

Nebraska will provide Reclamation the opportunity to develop a plan that would allow for inflows to be reregulated for KBID during the 2013 irrigation season. I have made it clear to Reclamation that they have an opportunity to develop a plan that will be beneficial to their water users while not jeopardizing Nebraska's ability to comply with the Compact. While these steps by the State of Nebraska are not explicitly required by the Compact I believe that this is the type of interstate comity contemplated by the Compact.

Sincerely,

Brian

Brian P. Dunnigan, P.E.
Director

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