



Dave Heineman
Governor

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

October 8, 2013

IN REPLY TO:

David Barfield, P.E.
Kansas Commissioner, RRCA
Kansas State Engineer
Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283

RE: Upcoming Release of Remaining Compact Water

Dear Commissioner Barfield:

As you are aware, I have made several proposals to the state of Kansas over the course of the past year, including one explicitly provided for in the FSS (Alternative Water-Short Year Administration), each of which were aimed at providing additional flexibility to the State of Kansas in the use of their allocation under the Republican River Compact while not impacting Nebraska's Compact compliance efforts. In contrast, your attempts in addressing this matter have consisted of merely repeating your previous proposal from April 2013, which I have already informed you is not acceptable.

To date, the most significant progress that Nebraska has been able to achieve has occurred working directly with Kansas water users, specifically the Kansas Bostwick Irrigation District (KBID). With the impending release of the remaining Compact Water stored in Harlan County Reservoir I will be directing my staff to work directly with KBID and the United States Bureau of Reclamation in coordinating those releases.

Nebraska's current projections indicate a likely need for even greater quantities of Compact Water to be sent into Kansas next year. While time has run out for action by the State of Kansas this year, I do hope that you can work in the future to establish a sound process that allows for the appropriate resolution of these issues for the benefit of the basins' water users.

Sincerely,

A handwritten signature in blue ink that reads "Brian P. Dunnigan".

Brian P. Dunnigan, P.E.
Director

cc: Dick Wolfe, P.E., RRCA Commissioner, Colorado State Engineer
Aaron Thompson, Bureau of Reclamation, Area Manager
Kenneth Nelson, Kansas Bostwick Irrigation District No. 2, Superintendent
Mike Delka, Bostwick Irrigation District in Nebraska, Manager
Tracy Streeter, Kansas Water Office, Director