



Dave Heineman
Governor

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

October 9, 2013

IN REPLY TO:

Michael J. Ryan, P.E., Regional Director
U.S. Department of the Interior
Bureau of Reclamation
Great Plains Regional Office
PO Box 36900
Billings, MT 59107-6900

RE: Release of Compact Water Stored in Harlan County Lake

Dear Mr. Ryan:

I received your October 8, 2013, letter regarding the Bureau of Reclamation's desire to postpone the release of the 2013 Compact Water. I assume you were unaware of the Order and Release Notice (see Attachment A) mailed to your Nebraska-Kansas Area Office (NKAO) on the same day.

My staff has been coordinating with Aaron Thompson of the NKAO and with Kenny Nelson of the Kansas Bostwick Irrigation District (KBID). Through those discussions (see Attachment B) it would certainly appear that KBID prefers immediate release of the 2013 Compact Water.

To avoid any confusion, please confirm by close of business October 10, 2013, that the Bureau will immediately implement the October 8, 2013, Release Order.

Sincerely,

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

Brian P. Dunnigan, P.E.
Director

Enclosures

cc: David Barfield, P.E., Kansas State Engineer
John Chaffin, U.S. Department of the Interior, Office of the Solicitor
James J. DuBois, U.S. Department of Justice
Kenny Nelson, Superintendent, Kansas Bostwick Irrigation District No. 2
U.S. Corps of Engineers, Kansas City District, Attention: Water Control Section
Dick Wolfe, P.E., Colorado State Engineer

State of Nebraska
Department of Natural Resources
301 Centennial Mall South, 4th Floor
P.O. Box 94676
Lincoln, Nebraska 68509-4676

Bureau of Reclamation
1706 West 3rd Street
McCook NE, 69001

STORAGE RELEASE NOTICE

Notice is hereby given that the water rights listed below shall release all remaining water impounded since Jan 1, 2013. Water stored prior to January 1, 2013 is not required to be released.

Water Right	Source of Water	Carrier	Amount of Storage Water Required for Release
A-4190	Republican River	Harlan County Reservoir	COMPACT WATER

Reason For Notice: ORDER issued by the Director of the Department of Natural Resources
Dated October 8, 2013

Releases of the Compact Water is to begin immediately and continue at a reasonable rate so that such releases are completed no later than October 31, 2013.

Water diversion has been restricted for the protection of Republican River Compact allocations. Any person violating this order shall be subject to the penalty provided in *Neb. Rev. Stat.* § 46-254, which reads as follows:

Any person owning or in control of any ditch, reservoir, or other device for appropriating or using water who willfully opens, closes, changes, or interferes with any headgate or controlling gate, or by any method or means takes any water from any natural stream, reservoir, or other source, through any ditch or canal to any land or lands, or allows the same to be done, or uses or allows to be used any water upon any land or lands, or for any other purpose whatsoever, without authority from the Department of Natural Resources, or who stores water in or releases water from a reservoir other than in compliance with orders of the Director of Natural Resources or his or her representative, shall be guilty of a Class II misdemeanor. Each day that the water is allowed to run without authority from the department shall constitute a separate offense.

Effective Date: October 8, 2013

Issued By: Shane Stanton
Title: Field Office Supervisor
Cambridge, Nebraska
Phone: (308) 697-3730

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Water Administration)
of the Republican River Basin)
Water Division 1-B)

ORDER
COMPACT CALL YEAR
STORAGE RELEASE

The above entitled matter came for consideration before the Director of the Department of Natural Resources on his own motion. The Director FINDS:

1. On January 1, 2013, the Department issued a COMPACT CALL for the Republican River at Guide Rock to carry out administration for the Republican River Compact.
2. The owners and operators of surface water reservoirs with storage appropriations subject to the Compact Call received a CLOSING NOTICE effective January 1, 2013, and remain closed until further notice by the Department.
3. Any water captured and impounded after January 1, 2013, (“2013 Compact Water”) in a reservoir that received a CLOSING NOTICE is subject to release upon notification by an official of the Department of Natural Resources (“STORAGE RELEASE NOTICE”).

Therefore, as yearly administration is still needed to ensure Compact compliance and based on the foregoing and for good cause, it is hereby

ORDERED:

That all COMPACT WATER impounded in Harlan County Reservoir since January 1, 2013, shall be released.

IT IS FURTHER ORDERED:

All additional inflow remains subject to the Department’s CLOSING NOTICES.

IT IS FURTHER ORDERED:

A STORAGE RELEASE NOTICE shall be sent immediately, along with a copy of this Order to the United States Bureau of Reclamation. This Order shall not preclude the diversion and subsequent use of water stored prior to January 1, 2013.

DEPARTMENT OF NATURAL RESOURCES

October 8, 2013



Brian P. Dunnigan, P.E., Director

Dunnigan, Brian

From: Schneider, Jim
Sent: Tuesday, October 08, 2013 12:16 PM
To: Kenneth Nelson
Cc: athompson@usbr.gov; Dunnigan, Brian; Stanton, Shane; O'Connor, Tom
Subject: RE: Lovewell

Kenny,

We can certainly be flexible if necessary to allow for the best utilization of flows if we get a good rain. Please work with the Cambridge field office and the USBR to assess any changing conditions so that we can determine if any adjustments in the release schedule are appropriate.

Thanks,
Jim

James C. Schneider, Ph.D.
Deputy Director
Nebraska Department of Natural Resources

301 Centennial Mall South
Fourth Floor, State Office Building
P.O. Box 94676
Lincoln, NE 68509-4676

Office: 402-471-3141
Fax: 402-471-2900
Cell: 402-450-2744
E-Mail: jim.schneider@nebraska.gov
Web: www.dnr.ne.gov

From: Kenneth Nelson [<mailto:kbid@courtland.net>]
Sent: Tuesday, October 08, 2013 11:40 AM
To: Schneider, Jim
Subject: RE: Lovewell

Ok Jim. We will reset the Courtland for these flows and put it into Lovewell. Should work good in this time frame. If we would happen to get a good rain during this time, could the flow be cut back and then run longer if needed? This would allow us to pick up rain water flows over our capacity to divert at Guide Rock and still take advantage of the stored water.

Kenny

From: Schneider, Jim [<mailto:jim.schneider@nebraska.gov>]
Sent: Tuesday, October 08, 2013 10:33 AM
To: Kenneth Nelson (kbid@courtland.net)
Cc: athompson@usbr.gov; Dunnigan, Brian
Subject: FW: Lovewell

Kenny,

Thanks for the update. I had noticed that you had the canal running again last week, and we were getting ready to coordinate the release of the compact water. Our plan is to issue an order today or tomorrow for release to commence immediately and be completed by October 31.

Let me know if you have any questions.

Thanks,
Jim

James C. Schneider, Ph.D.
Deputy Director
Nebraska Department of Natural Resources

301 Centennial Mall South
Fourth Floor, State Office Building
P.O. Box 94676
Lincoln, NE 68509-4676

Office: 402-471-3141
Fax: 402-471-2900
Cell: 402-450-2744
E-Mail: jim.schneider@nebraska.gov
Web: www.dnr.ne.gov

From: Dunnigan, Brian
Sent: Monday, October 07, 2013 10:11 AM
To: Schneider, Jim; Bradley, Jesse
Subject: Fwd: Lovewell

FYI. Brian

Sent from my Verizon Wireless 4G LTE DROID

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

Subject: Lovewell

From: Kenneth Nelson <kbid@courtland.net>

To: "Dunnigan, Brian" <brian.dunnigan@nebraska.gov>

CC: "Thompson, Aaron M" <AThompson@usbr.gov>, David Barfield <David.Barfield@kda.ks.gov>, William Peck <WPeck@usbr.gov>, "Scott, Craig D" <CScott@usbr.gov>

Hi Brian,

Just a note to let you know the BOR finished the repairs at Lovewell on the 26th of September. We attempted to have a contractor review the gates that need replaced or repaired on the Courtland Canal during this time that we were shut down but could not get the canal dried up adequately to accomplish that and will attempt it again at a later date. We also discovered a problem with app. ½ mile of lining in the canal that will need some major repairs before next watering season.

Not knowing what your decision will be regarding the "compact" water currently being held in Nebraska, we started all river flow (about 33 cfs) back in the Courtland Canal at Guide Rock on the 3rd. It reached Lovewell over the weekend and we are receiving around 20 cfs this morning into Lovewell. I wanted to inform you of this to let you know we are prepared to move water to Lovewell if your decision is to release the water held in Harlan County.

Too bad we couldn't receive some of those heavy rains last week in the Republican Basin.

Kenny Nelson