



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Regional Office
P.O. Box 36900
Billings, MT 59107-6900

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OCT 18 2013

DEPARTMENT OF
NATURAL RESOURCES

IN REPLY REFER TO:

GP-4600
WTR-4.10

OCT 15 2013

Mr. Brian P. Dunnigan, P.E.
Director, Nebraska Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509-4676

Subject: Release of Compact Water Stored in Harlan County Lake (HCL) under United States Contract

Dear Mr. Dunnigan:

The Bureau of Reclamation appreciates your temporary suspension of the October 8, 2013, Order and Release Notice for HCL as we continue to work with all parties involved. Reclamation would again like to assure the Department of Natural Resources (DNR) that we will not frustrate DNR's compliance efforts and any remaining non-project water stored under the Warren Act Contract (Contract) will be evacuated prior to December 31, 2013, unless all three Republican River Compact Administration Commissioners can agree on retaining that water in HCL.

Reclamation's operation of and releases from the Federal HCL facility must take account of Compact requirements as well as contractual rights and obligations, including those under the Contract between Kansas Bostwick Irrigation District (KBID) and the United States. As communicated in our October 11, 2013, letter to you, KBID has apparently determined to not take this non-project water at this time, is proceeding with repairs to the Courtland Canal and will at a later date decide when they would like the contracted water released from HCL. Accordingly, Reclamation sent a letter to the KBID on October 15, 2013, requesting a schedule to complete maintenance work on the Courtland Canal. In this letter, we also informed KBID that all work has to be accomplished by close of business on December 1, 2013, so releases of any remaining non-project water stored under their Contract can begin on December 2, 2013. To ensure KBID understands the volume of water that is stored, we will be informing them and DNR on a weekly basis of the volume in storage and evaporation losses associated with the non-project water stored in HCL. It is our understanding that Kansas has agreed to accept 100 percent of the evaporation charged to this non-project water. This evaporation counts as if it has crossed the State line without any transit losses and this is a direct benefit to Nebraska in meeting Compact compliance obligations.

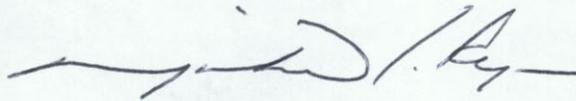
As a matter of Federal project operations, Reclamation needs to understand the volume of water that Nebraska needs to pass the stateline accounting point on the Republican River during the

remainder of 2013 to ensure compliance with the Compact. We would also like to see how the actual volumes delivered by both the surface water entities and the groundwater delivered by the Republican River Natural Resource Districts (NRD's) compares to DNR's forecast and projections. Our understanding is that measures taken by the NRD's during the calendar year were to make up Nebraska's projected Compact shortfall. Until we can see these real time numbers and calculations, Reclamation cannot conclude that delaying the release of water from HCL would jeopardize Nebraska's Compact compliance. Please provide this information by 8:00 am (CDT) on Thursday, October 17, 2013, so that we can make an informed and timely decision.

Reclamation was pleased to hear last week that if the non-project water stored in the upstream reservoirs is not needed for Compact compliance in calendar year 2013, then this water will become project water for use by surface water users in calendar year 2014 on January 1, 2014. Reclamation hopes that Compact compliance can be achieved without having to impact this water, as surface irrigators have struggled this year due to inadequate water supplies while groundwater users appeared to have adequate supplies this year. Again until Reclamation can see the relevant data reflecting Nebraska's actual projections for stateline flows to achieve Compact compliance, we have no basis to conclude that release of water from the Federal HCL facilities later in 2013 will affect Compact compliance.

We appreciate your patience and willingness to consider the multiple interests involved, and look forward to cooperating further with you on this matter. If you have any questions, please contact me at 406-247-7600.

Sincerely,



Michael J. Ryan
Regional Director

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

Mr. Kenneth Nelson, Superintendent
Kansas Bostwick Irrigation District No. 2
P.O. Box 165
Courtland, KS 66939

cc: Continued on next page.

cc: Mr. Dick Wolfe, P.E.
Colorado State Engineer
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80820

Corps of Engineers, Kansas City District
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700 Federal Building, Room 844
601 East 12th Street
Kansas City, MO 64106

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