



Dave Heineman
Governor

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

October 17, 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 am in receipt of your October 10, October 11, and October 15, 2013, letters. As documented, Nebraska has made every effort to accommodate the desires of Kansas Bostwick Irrigation District (KBID) and the Bureau of Reclamation (Bureau) concerning the release of 2013 Compact water. Nebraska is willing to continue that effort, provided it does not interfere with Nebraska's Compact Compliance mandate.

The Nebraska Department of Natural Resources (Department) previously issued its Storage Release Notice on October 8, 2013, based on desires expressed by KBID and the Bureau to commence releases in October. We now understand those parties wish to defer releases in light of an apparent contract dispute in addition to operation and maintenance scheduling. Although the Department maintains that a more conservative release date is preferable, to the extent Nebraska can accommodate the Bureau's desires, it will.

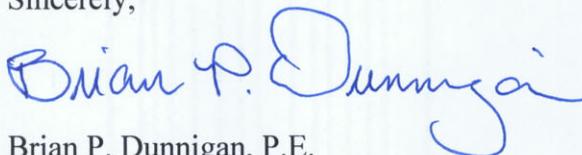
Enclosed, you will find a Revised Suspension of Release Notice, calling for the releases to commence December 2, 2013, as desired by the Bureau and KBID. Please be advised that the suspension is subject to revision based on changing conditions. In addition, be advised that the delay occasioned by recent events has increased the likelihood that the Bureau may receive an additional Order and Storage Release Notice for reservoirs upstream of Harlan County Lake.

To be clear, the Bureau must comply with all Department Orders. The Bureau's contract obligations do not supersede such Orders, and Nebraska is not obligated to justify its Orders to

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October 17, 2013
Page 2 of 2

the Bureau. Nebraska will not negotiate for the release of water the Bureau is not entitled to store under State or Federal law. That said, as stated in my letter to Mr. Thompson (attached), I will make my staff available to provide the update requested in Mr. Thompson's October 8, 2013, letter.

Sincerely,



Brian P. Dunnigan, P.E.
Director

Enclosures

cc: David Barfield, P.E., Kansas State Engineer
James J. DuBois, U.S. Department of Justice
Michael Gheleta, Office of the Solicitor
Kenneth 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
Nebraska-Kansas Area Field Office
1706 West Third Street
McCook, NE 69001

REVISED SUSPENSION OF RELEASE NOTICE

Notice is hereby given to the users of the water right listed below, and originally deferred under the Department's Suspension of Release Notice of October 11, 2013, that the initiation of water releases pursuant to the Department's Order of October 8, 2013, may now be delayed until 9:00 a.m. Monday, December 2, 2013.

Right	Source of Water	Carrier	Required for Release
A-4190	Republican River	Harlan County Reservoir	NA

This revised temporary suspension is being issued, consistent with the Republican River Compact, in light of the desires of the Bureau of Reclamation and the Kansas Bostwick Irrigation District. This Revised Suspension of Release Notice will cease at 9:00 a.m. Monday, December 2, 2013, unless further notified by the Department. At such time, if no further notice has been issued by the Department, the release ordered by the October 8, 2013, Storage Release Notice must be initiated immediately and continued at a reasonable rate such that the release is completed in the most expeditious manner possible.

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 17, 2013
Effective Hour: 9:00 a.m.

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



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Governor

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DEPARTMENT OF NATURAL RESOURCES
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October 17, 2013

IN REPLY TO:

Aaron Thompson, Area Manager
Great Plains Region
Bureau of Reclamation
1706 West Third
McCook, NE 69001

Dear Mr. Thompson:

The letter is in response to your October 8, 2013, letter regarding the Bureau's request for an update related to current Compact compliance projections for 2013 as compared to January 2013's forecast. Unfortunately, a simple response to your request is difficult to provide as the forecast calculations and accounting projections rely on a significant number of datasets, model runs, and spreadsheets. It is for this very reason that the Department has dedicated significant technical staffing resources to forecast and monitor Nebraska's Compact obligations in the Republican River Basin. The Department recognizes that the Bureau has a limited capacity to conduct the necessary technical elements of the forecast and RRCA accounting and thus, as we have done in the past, we would certainly be able to provide an update to you and your staff at our office.

The Department has always been more than willing to conduct such meetings as evidenced by multiple past discussions between the Department and the Bureau related to the Integrated Management Plans forecasting mechanisms and controls. I believe that the most efficient way to accommodate your request is to schedule a meeting with Jesse Bradley of our Integrated Water Management Division so that he can answer questions you may have and guide you through the forecasting process and accounting projections for 2013.

Sincerely,

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

Brian P. Dunnigan, P.E.
Director