



Dave Heineman
Governor

STATE OF NEBRASKA

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

May 3, 2013

IN REPLY TO:

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

RE: Harlan County Lake Releases

Dear Mr. Barfield:

I have received your letter dated April 30, 2013. It is unfortunate that a mutually acceptable plan has not been reached for the retention and carry-over of water previously retained in Harlan County Lake, consistent with Nebraska's Compact compliance mandate. As you know, I have issued an Order compelling that release of the Nebraska Compact compliance water from Harlan County Lake and that water is now being evacuated.

Again, Nebraska is prepared to agree to the seven terms outlined in my April 29, 2013, letter. I believe the benefits of such terms are congruent with your recent portrayal of the most desirable outcome for Kansas water users. If you choose to reconsider your stated position contained in your April 30, 2013, letter, please let me know.

Sincerely,

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

Brian P. Dunnigan, P.E.
Director

cc: Mike Delka, Nebraska Bostwick Irrigation District
Jim DuBois, U.S. Department of Justice
Kenny Nelson, Kansas Bostwick Irrigation District
Mike Ryan, U.S. Bureau of Reclamation
Tracy Streeter, Kansas Water Office
Aaron Thompson, U.S. Bureau of Reclamation
Dick Wolfe, Colorado State Engineer