



Dave Heineman
Governor

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

May 21, 2013

IN REPLY TO:

Kenneth Nelson, Superintendent
Kansas Bostwick Irrigation District No. 2
528 Main Street
PO Box 165
Courtland, KS 66939-0165

RE: Harlan County Lake Releases

Dear Mr. Nelson:

Thank you for your letter to me dated May 3, 2013. That letter initiated a very productive and fruitful discussion between the Kansas Bostwick Irrigation District (KBID), the Bureau of Reclamation (Bureau), and the Nebraska Department of Natural Resources (Department). I am writing this letter to provide you a specific response to your request. First, you requested that the May releases of water from Harlan County Lake be shut off. We issued two temporary suspensions of release notices dated May 7, 2013, and May 10, 2013, to provide time for discussions between KBID, the Bureau, and the Department. Following final agreement between the Bureau and the Department regarding the accounting for water in Harlan County Lake, a permanent suspension of release notice was issued on May 13, 2013.

Second, you requested the use of 2013 Compact water currently held in Harlan County Lake be available for use by KBID if you exhaust your supply of 2012 project water. I believe our agreement with the Bureau accommodates this request. Third, you requested that any releases of 2013 Compact water ordered by the Department occur after the irrigation season so that you can divert that water at Guide Rock. The Department does not plan to order any additional releases of water from Harlan County Lake prior to the 2013 irrigation season. However, the Department does not control the conditions under which KBID is able to divert water that is physically available at the Guide Rock diversion dam into the Courtland Canal and when those diversions do occur.

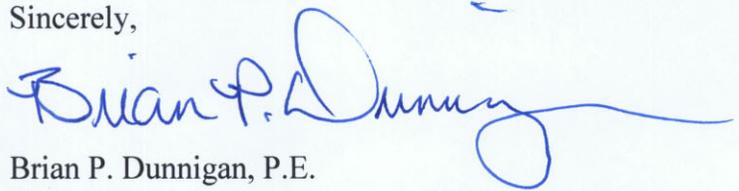
Finally, you requested that if conditions change after the irrigation season and some of the 2013 Compact water in Harlan County Lake does not need to be released for Compact compliance that the water is allowed to be stored and carried over for use in 2014. The Department will not order the release of the 2013 Compact water unless it feels a release is necessary to ensure Compact compliance. Our current agreement is very beneficial in that it allows us to wait until after the irrigation season, when we will have a more complete assessment of the water supply for 2013,

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to make this assessment. However, the retrospective nature of Compact accounting does require Nebraska to be very conservative in taking the necessary actions to ensure Compact compliance. In lieu of some alternate arrangement that can be agreed to by the State of Kansas, Nebraska may be compelled to order the release of some or all of the 2013 Compact water in order to ensure that Nebraska remains in compliance with the Compact.

Thank you again for bringing forth your proposal and for working cooperatively with the Department and Reclamation to make this agreement a reality.

Sincerely,



Brian P. Dunnigan, P.E.
Director

cc: David Barfield, P.E., RRCA Commissioner, Kansas State Engineer
Mike Delka, Nebraska Bostwick Irrigation District
James DuBois, U.S. Department of Justice
Matthew Jeppson, U.S. Army Corps of Engineers
Mike Ryan, P.E., U.S. Bureau of Reclamation
Tracy Streeter, Kansas Water Office
Aaron Thompson, U.S. Bureau of Reclamation
Dick Wolfe, P.E., RRCA Commissioner, Colorado State Engineer