

7-15966 (9-00)
Bureau of Reclamation



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Nebraska-Kansas Area Office
P.O. Box 1607
Grand Island, Nebraska 68802-1607

IN REPLY REFER TO

NK-100
ADM-13.00 BSW

MAY 24 2006

Kenny Nelson, Superintendent
Kansas Bostwick Irrigation District No. 2
P O Box 165
Courtland, KS 67622

Subject: Amendment Number 2 to Memorandum of Agreement between Bostwick Irrigation District in Nebraska and Kansas Bostwick Irrigation District No. 2 – Courtland Unit, Franklin Unit, Superior-Courtland Unit, Bostwick Division, Pick-Sloan Missouri Basin Program, Nebraska and Kansas

Dear Mr. Nelson:

Enclosed for your records is a fully executed duplicate original Amendment No. 2 to Memorandum of Agreement between the Bostwick Districts detailing specific provisions for the use of the Bostwick Division water supply for the 2006 irrigation season. A duplicate original of this Amendment was previously provided to the Bostwick Irrigation District in Nebraska.

Thank you for your cooperation in this matter. If you have any questions please contact Stephen Ronshaugen at the above address or telephone 308-389-5304.

Sincerely,

ALICE E. JOHNS

Alice E. Johns
Area Manager

Enclosure

- cc: Mike Delka, Manager, Bostwick Irrigation District in Nebraska, P.O. Box 446, Red Cloud, NE 68970-0446
Lee Orton, Attorney, 1233 Lincoln Mall, Suite 201, Lincoln, NE 68508
w/enclosure to both
- bc: GP-4500 (Gordon Aycok)
NK-400 (Marvin Swanda)
w/enclosure to both

WBR:SFRonshaugen:treichert:5/24/06:308-389-5304
BostwickMOATransmittalLtrtoExecuted5.24.06 ADM-13.00 BSW

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AMENDMENT NO. 2

DUPLICATE ORIGINAL (1 of 3)

AMENDMENT TO
MEMORANDUM OF AGREEMENT
BETWEEN THE
BOSTWICK IRRIGATION DISTRICT IN NEBRASKA
AND
KANSAS-BOSTWICK IRRIGATION DISTRICT NO. 2

This AMENDMENT to the MEMORANDUM OF AGREEMENT made this 18th day of May, 2006, by and between Kansas-Bostwick Irrigation District No. 2, party of the first part, and the Bostwick Irrigation District in Nebraska, party of the second part.

WITNESSETH:

WHEREAS, the following statements are made by way of explanation:

a. Kansas-Bostwick Irrigation District No. 2, party of the first part, and the Bostwick Irrigation District in Nebraska, party of the second part, during Board of Directors meetings for each of the respective Districts executed the "Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2" dated October 4, 2000.

b. The "Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2" was amended on March 5, 2002, to provide a more accurate and comprehensive description of the water supply facilities covered by the Agreement.

c. To provide for appropriate accounting and delivery of water during the 2006 irrigation season, certain provisions of the Agreement needs amended to reflect procedures to be followed for the 2006 irrigation season, therefore the "Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2" is hereby amended as follows:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein set out, it is agreed as follows:

1. The following shall be substituted for the existing Article 3. G. for the 2006 irrigation season ONLY:

3. G. The Bostwick Irrigation District in Nebraska agrees before the start of the irrigation season to relinquish the rights to the use of its water supply in order for their water supply to be used on Kansas-Bostwick Irrigation District No. 2 project lands. For purposes of this agreement for the 2006 irrigation season only, "irrigation season" and "water supply" as used herein are defined as follows:

(1) "Water Supply" shall mean the Water Supply determined by the U.S. Bureau of Reclamation (hereinafter "Bureau") under its water storage permit for Harlan County Lake as calculated and published by the Bureau for January 2006 according to the Harlan County Lake Operation Consensus Plan (hereinafter "Consensus Plan"), and natural flow that may become available for diversion at the Superior-Courtland Diversion Dam during the Irrigation Season.

(2) "Irrigation Season" shall mean the date beginning with the commencement of water deliveries for direct irrigation at the Superior-Courtland Diversion Dam and ending on the date of the last water delivery for direct irrigation, which date shall be no later than September 1, 2006.

2. The following shall be substituted for the existing Article 2. as it applies to the 2006 irrigation season ONLY:

2. To the allocation and payment of irrigation's share of the Corps of Engineers' operation, maintenance and replacement cost associated with Harlan County Dam and Harlan County Lake based on the most recent three-year moving average of each District's total diversions as established by Reclamation. (See the spreadsheet attached hereto and made a part hereof as Attachment A for prior year computations and procedures for computing individual District percentages.)

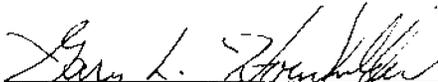
a. For purposes of this agreement for the 2006 irrigation season, the Bostwick Irrigation District in Nebraska's 2006 diversions to be recorded on Attachment A, will be computed assuming that the Bostwick Irrigation District in Nebraska had diverted their share of the 2006 Bostwick Division water supply into the Superior Canal. Commencing with water deliveries for direct irrigation at the Superior-Courtland Diversion Dam, available natural flow at Superior-Courtland Diversion Dam will be apportioned as described in Attachment B of this Memorandum of Agreement and ending no later than September 1, 2006. Accounting for the Bostwick Irrigation District in Nebraska's use of storage waters from Harlan County Lake will begin with the commencement of releases from Harlan County Lake for Kansas-Bostwick Irrigation District No. 2 and end when storage releases from Harlan County Lake for Kansas-Bostwick Irrigation District No. 2 have ceased for the season or September 1, 2006, whichever is earlier. The assumed use of water from Harlan County Lake by the Bostwick Irrigation District in Nebraska will be calculated using their proportionate share, as described in Attachment B, applied against the total releases from Harlan County Lake. The accounting for any diversions at Superior-Courtland Diversion

Dam subsequent to September 1, 2006 will be based on the historical methods used in prior years and recorded on said Attachment A.

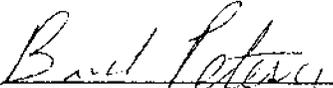
b. For purposes of this agreement in 2006, Kansas-Bostwick Irrigation District No. 2's total diversions will be computed as follows: Kansas-Bostwick Irrigation District No. 2's actual diversions during 2006, as accounted for by Reclamation, LESS the Bostwick Irrigation District in Nebraska's 2006 share of the Bostwick Division water supply as if they had diverted this supply into Superior Canal.

EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the "Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2" shall remain in full force and effect.

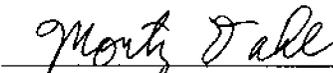
BOARD OF DIRECTORS
Kansas-Bostwick Irrigation District No. 2



Gary L. Housholder President



Brad D. Peterson Secretary

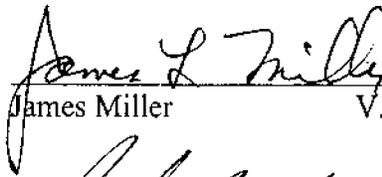


Monty D. Dahl Treasurer

BOARD OF DIRECTORS
Bostwick Irrigation District in Nebraska



Walter Knehans President



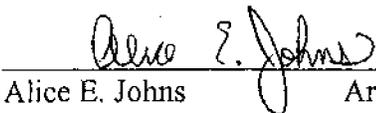
James Miller V.-Pres./Sec.



Rodney Ely Treasurer

APPROVED:

BUREAU OF RECLAMATION
Nebraska-Kansas Area Office



Alice E. Johns Area Manager

ATTACHMENT A

COST DISTRIBUTION PERCENTAGES

Corps of Engineers
HARLAN COUNTY DAM

Revised: 3/3/2006

Year	Bostwick in Nebraska		Kansas-Bostwick No.2		3-Year Total Diversions	Total Annual Diversions	3-Year Total Diversions	Percentage Distribution		Use For Year
	(1) Annual Diversions	(2) 3-Year Total Diversions	(3) Annual Diversions	(4) 3-Year Total Diversions				Nebraska	Kansas	
1972	48,713	--	50,701	--	99,414	99,414	--	--	--	--
1973	53,569	--	50,635	--	104,204	104,204	--	--	--	--
1974	56,204	158,486	80,126	181,462	339,948	339,948	46.6%	53.4%	1984	
1975	52,810	162,583	79,574	210,335	372,918	372,918	43.6%	56.4%	1985	
1976	66,885	175,899	110,406	270,106	446,005	446,005	39.4%	60.6%	1986	
1977	40,226	159,921	59,353	249,333	409,254	409,254	39.1%	60.9%	1987	
1978	50,356	157,467	71,009	240,768	398,235	398,235	39.5%	60.5%	1988	
1979	33,418	124,000	56,927	187,289	311,289	311,289	39.8%	60.2%	1989	
1980	55,360	139,134	83,490	211,426	350,560	350,560	39.7%	60.3%	1990	
1981	27,916	116,694	52,661	193,078	309,772	309,772	37.7%	62.3%	1991	
1982	39,776	123,052	66,436	202,587	325,639	325,639	37.8%	62.2%	1992	
1983	52,238	119,930	83,964	203,061	322,991	322,991	37.1%	62.9%	1993	
1984	58,875	150,889	84,092	234,492	385,381	385,381	39.2%	60.8%	1994	
1985	51,553	162,666	60,331	228,387	391,053	391,053	41.6%	58.4%	1995	
1986	58,665	169,093	69,133	213,556	382,649	382,649	44.2%	55.8%	1996	
1987	47,181	157,399	67,334	196,798	354,197	354,197	44.4%	55.6%	1997	
1988	62,288	168,134	90,207	226,674	394,808	394,808	42.6%	57.4%	1998	
1989	48,740	158,209	68,414	225,955	384,164	384,164	41.2%	58.8%	1999	
1990	41,837	152,865	80,909	239,530	392,395	392,395	39.0%	61.0%	2000	
1991	39,993	130,570	64,110	213,433	344,003	344,003	38.0%	62.0%	2001	
1992	25,471	107,301	20,323	165,342	272,643	272,643	39.4%	60.6%	2002	
1993	17,718	83,182	30,542	114,975	198,157	198,157	42.0%	58.0%	2003	
1994	55,207	98,396	71,277	122,142	220,538	220,538	44.6%	55.4%	2004	
1995	62,291	135,216	80,129	181,948	317,164	317,164	42.6%	57.4%	2005	
1996	46,764	164,262	71,942	223,348	387,610	387,610	42.4%	57.6%	2006	
1997	53,121	162,176	74,549	226,620	388,796	388,796	41.7%	58.3%	2007	
1998	53,122	153,007	75,370	221,861	374,868	374,868	40.8%	59.2%		
1999	55,797	162,040	80,163	230,082	392,122	392,122	41.3%	58.7%		
2000	67,992	176,911	95,161	250,694	427,605	427,605	41.4%	58.6%		
2001	48,226	172,015	72,700	248,024	420,039	420,039	41.0%	59.0%		
2002	43,863	160,081	72,634	240,495	400,576	400,576	40.0%	60.0%		
2003	28,776	120,865	53,191	198,525	319,390	319,390	37.8%	62.2%		
2004	5,800	78,439	30,913	156,738	235,177	235,177	33.4%	66.6%		
2005	4,712	39,288	27,780	111,884	151,172	151,172	26.0%	74.0%		

Data to fill in columns (1) and (3) can be found in Table 6 of AOP