

**From:** Kenneth Nelson <kbid@courtland.net>  
**Sent:** Tuesday, May 07, 2013 2:37 PM  
**To:** Schneider, Jim  
**Subject:** RE: Letter from NDNR regarding HCL

**NCORPE**  
**N31006**  
**1 of 4**

I talked to Aaron a few minutes ago. He will be contacting you soon.

Kenny

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**From:** Schneider, Jim [mailto:jim.schneider@nebraska.gov]  
**Sent:** Tuesday, May 07, 2013 2:01 PM  
**To:** Kenneth Nelson  
**Cc:** athompson@usbr.gov; Dunnigan, Brian  
**Subject:** RE: Letter from NDNR regarding HCL

Kenny,

We are concerned about halting the releases without a better understanding of whether this can be worked out. However, I do understand your concern about waiting until an agreement is finalized, when we are all fairly certain that the agreement can be reached. Therefore, if we can get to an agreement in concept we would feel comfortable with a temporary pause in the releases pending a final agreement being reached. I understand that the Bureau is working with you on the contracting issue, and that they are working on the accounting methodology. With these worked out and your agreement to use 2012 water first, we could have that agreement in principle. I'm expecting to hear back from Aaron later today. Please let me know if you have any additional thoughts.

Thanks,  
Jim

James C. Schneider, Ph.D.  
Deputy Director  
Nebraska Department of Natural Resources

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**From:** Kenneth Nelson [mailto:kbid@courtland.net]  
**Sent:** Monday, May 06, 2013 4:12 PM  
**To:** Schneider, Jim  
**Cc:** [athompson@usbr.gov](mailto:athompson@usbr.gov); Dunnigan, Brian  
**Subject:** RE: Letter from NDNR regarding HCL

Jim,

Thanks for the update.

It seems what is practical to one party is complicated to another. We are working with the Bureau on their concerns for making this work. I have had discussions with Mike Ryan and Aaron Thompson. Aaron told me he had requested a shutdown (my word) of the releases for a couple days to try to work this out. I have a Regular Board meeting scheduled for tomorrow morning and am hopeful I can have something positive to report for their action at that time. Even if things move rapidly it will surely take a few days to be completed. If the flow could be stopped or slowed it would surely be helpful.

I have read your correspondence back and forth between Mr. Barfield and Mr. Dunnigan. Regarding carry over water, it seems that letting today's problems be sufficient for today is the best we can do. I am hopeful a workable avenue may be found at a later date.

Kenny

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**From:** Schneider, Jim [<mailto:jim.schneider@nebraska.gov>]  
**Sent:** Monday, May 06, 2013 3:18 PM  
**To:** Kenneth Nelson ([kbid@courtlund.net](mailto:kbid@courtlund.net))  
**Cc:** [athompson@usbr.gov](mailto:athompson@usbr.gov); Dunnigan, Brian  
**Subject:** RE: Letter from NDNR regarding HCL

Kenny,

Brian asked me to get back to you with some additional comments. We have had a chance to review your letter dated May 3, 2013, and we are encouraged by the opportunity to work with you to allow for the use of water in Harlan County Lake. Your practical approach is consistent with what Nebraska had been working toward. I have spoken with Aaron today to exchange our viewpoint and to hear what they think. I understand the Bureau has some concerns about the need for a special contract and payment for the water. Those are not Nebraska's concerns, and if you and the Bureau work that out, then we are optimistic that your proposal can work.

The only other thing that needs to be determined is how the Bureau will account for the 2013 Compact water relative to the previously stored water. We need to make sure the Bureau accepts your plan to use the previously stored water first, and exhaust that supply, before using any 2013 Compact water. I don't think this should be very complicated, but we just need to agree up front on how that will work.

As to carrying over water until 2014, Nebraska has been willing to discuss that, but needs some assurance from Kansas that Nebraska will not be liable for any accounting impacts as a result of the carry over. To date Kansas has been unwilling to offer that assurance. I assumed that the Kansas Division of Water Resources was working closely with you on these matters, but maybe I assumed incorrectly. Your plan would buy time for you and Mr. Barfield to discuss that matter. Perhaps you can reach some agreement that we could not with Mr. Barfield. If you cannot make any progress, then under your plan the 2013 Compact water held in Harlan County Lake would probably need to be released before the end of 2013 if you have not used it for irrigation.

Thanks again for your letter.

Jim

James C. Schneider, Ph.D.  
Deputy Director

Nebraska Department of Natural Resources

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Web: [www.dnr.ne.gov](http://www.dnr.ne.gov)

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**From:** Dunnigan, Brian  
**Sent:** Friday, May 03, 2013 4:14 PM  
**To:** 'Kenneth Nelson'  
**Cc:** Thompson, Aaron M ([AThompson@usbr.gov](mailto:AThompson@usbr.gov))  
**Subject:** RE: Letter from NDNR regarding HCL

Kenny,

Thank you for your letter. I am certainly willing to discuss your proposal with you and the Bureau. Given what I read in your letter I think that your proposal could work and would have good potential to benefit KBID and possibly other water users in the Basin. I think the next step would be to hear from the Bureau regarding if/how this could work. We will be available on Monday to discuss further. Please let me know if/when the Bureau is available to work through the details of how this might be implemented.

Brian

Brian P. Dunnigan, P.E.  
Director  
Nebraska Department of Natural Resources  
301 Centennial Mall South  
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Lincoln, Nebraska 68509-4676  
Phone: 402-471-2366  
Fax: 402-471-2900  
Email: [brian.dunnigan@nebraska.gov](mailto:brian.dunnigan@nebraska.gov)



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**From:** Kenneth Nelson [<mailto:kbid@courtland.net>]  
**Sent:** Friday, May 03, 2013 3:01 PM  
**To:** Dunnigan, Brian  
**Subject:** FW: Letter from NDNR regarding HCL

If you wished to contact me after 3:30 pm, I can be reached at 785-374-4283.

Kenny Nelson

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**From:** Kenneth Nelson [<mailto:kbid@courtland.net>]  
**Sent:** Friday, May 03, 2013 2:57 PM  
**To:** 'Dunnigan, Brian'  
**Subject:** RE: Letter from NDNR regarding HCL

Mr. Dunnigan:

Attached please find a letter for Kansas Bostwick for your consideration. The original will follow in the US Mail.

Kenny Nelson  
Superintendent  
Kansas Bostwick Irrigation District #2  
785-374-4514

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**From:** Dunnigan, Brian [<mailto:brian.dunnigan@nebraska.gov>]  
**Sent:** Friday, May 03, 2013 8:58 AM  
**To:** Barfield, David ([David.Barfield@KDA.KS.GOV](mailto:David.Barfield@KDA.KS.GOV))  
**Cc:** Mike Delka ([bostwick@gpcom.net](mailto:bostwick@gpcom.net)); James DuBois ([james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)); [kbid@courtland.net](mailto:kbid@courtland.net); [mryan@usbr.gov](mailto:mryan@usbr.gov); Streeter, Tracy ([Tracy.Streeter@kwo.ks.gov](mailto:Tracy.Streeter@kwo.ks.gov)); Thompson, Aaron M ([AThompson@usbr.gov](mailto:AThompson@usbr.gov)); [Dick.Wolfe@state.co.us](mailto:Dick.Wolfe@state.co.us); Schneider, Jim; Bradley, Jesse  
**Subject:** Letter from NDNR regarding HCL

Mr. Barfield:

Attached please find a letter from Nebraska regarding Harlan County Lake. The original will follow in the mail.

Thanks,  
Brian

Brian P. Dunnigan, P.E.  
Director  
Nebraska Department of Natural Resources  
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