



Dave Heineman
Governor

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

NCORPE
N31027
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September 18, 2013

IN REPLY TO:

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

RE: Harlan County Lake Evaporation Accounting Agreement

Dear Mr. Barfield:

I am writing to follow-up on our discussions during the Republican River Compact Administration (RRCA) annual meeting last week. The agreement that we were able to reach on an alternate accounting of the evaporation from Harlan County Lake was significant. This agreement will provide increased flexibility to the Bureau of Reclamation and the Kansas Bostwick Irrigation District for their operations this fall.

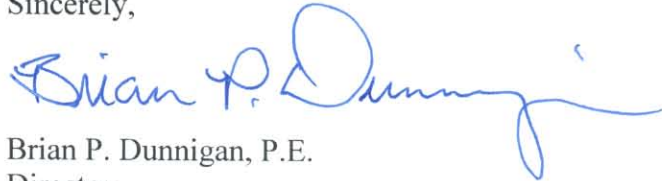
During the discussion of that issue, it was apparent to me that all parties had a preference for the retention of water in Harlan County Lake to the extent possible for 2013. Therefore, I felt that it would be prudent to remind you of the benefits of Nebraska's Alternative Water-Short Year (AWSY) Plan as presented in July 2012 in this regard. If Kansas approves Nebraska's AWSY Plan, the modified accounting under AWSY Administration would significantly reduce (if not completely eliminate) any required releases from Harlan County Lake this fall.

I understand that you have voiced concerns regarding this AWSY Plan in the past. However, you now have the full benefit of Nebraska's presentation on the AWSY Plan during the recent non-binding arbitration. Approving this plan now would only put it into place for the years 2013-2015. Furthermore, it would seem that the significant and real water management benefits for water users in both states that would be recognized during this time period would outweigh your concerns over technicalities related to specific language in an appendix of the Final Settlement Stipulations, which the RRCA is free to change anyway. Of course, I would welcome further discussion in the RRCA regarding any future AWSY Plan that Nebraska might submit.

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At this time, Nebraska does not plan to order the release of any remaining Compact Water until at least some time in October. Therefore, I would appreciate hearing a response from you by the end of the month so that we can continue to finalize our plans.

Sincerely,



Brian P. Dunnigan, P.E.
Director

cc: Dick Wolfe, P.E., RRCA Commissioner, Colorado State Engineer
Aaron Thompson, Bureau of Reclamation, Area Manager
Kenneth Nelson, Kansas Bostwick Irrigation District No. 2, Superintendent
Mike Delka, Bostwick Irrigation District in Nebraska, Manager
Tracy Streeter, Kansas Water Office, Director