



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:

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DEPARTMENT OF
NATURAL RESOURCES

Mike Delka, Manager
Bostwick Irrigation District in Nebraska
P. O. Box 446
Red Cloud, NE 68970-0446

Kenneth Nelson, Superintendent
Kansas Bostwick Irrigation District No. 2
P. O. Box 165
Courtland, KS 66939-0165

Subject: Amendment No. 3 to Memorandum of Agreement – Bostwick Division,
Pick-Sloan Missouri Basin Program, Nebraska and Kansas

Dear Messrs. Delka and Nelson:

Enclosed for your records is a fully executed duplicate original Amendment 3 -
"Amendment to Memorandum of Agreement Between the Bostwick Irrigation District in
Nebraska and Kansas-Bostwick Irrigation District No. 2," dated June 21, 2007.

If you have any questions or need additional information, please contact me at the
above address or telephone 308-389-5304 or Marv Swanda at our McCook Field Office,
telephone 308-345-1027.

Sincerely,

Stephen F. Ronshaugen
Acting Area Manager

Enclosure

cc: Chief Engineer, Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, 2nd Floor, Topeka, KS 66612-1283
Ann Bleed, Director of Natural Resources, PO Box 94676, Lincoln, NE 68509-4676
Lee Orton, Attorney, 1233 Lincoln Mall, Suite 201, Lincoln, NE 68508
(all w/enclosure)

AMENDMENT NO. 3

DUPLICATE ORIGINAL

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 21st day of June, 2007, 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. The "Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2" was amended on May 18, 2006 to provide for appropriate accounting and delivery of water during the 2006 irrigation season.

d. To provide for appropriate accounting and delivery of water during the 2007 irrigation season, certain provisions of the Agreement needs to be amended to reflect procedures to be followed for the 2007 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 2007 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 12,500 acre-feet of storage water to be used on Kansas-Bostwick Irrigation District No. 2 project lands. For purposes of this agreement for the 2007 irrigation season only, "irrigation season" and "water supply" as used herein are defined as follows:

(1) "Water Supply" shall be 12,500 acre-feet of storage water allocated to the Bostwick Irrigation District in Nebraska in its water storage account at Harlan County Lake as calculated and published by Reclamation for 2007 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, 2007.

2. The following shall be substituted for the existing Article 2. as it applies to the 2007 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 2007 irrigation season, the Bostwick Irrigation District in Nebraska's 2007 diversions to be recorded on Attachment A, will be computed assuming that the Bostwick Irrigation District in Nebraska had diverted the above referenced 12,500 acre-feet of Bostwick Division water supply into the Superior Canal. In addition, commencing with water deliveries for direct irrigation at the Superior-Courtland Diversion Dam and ending no later than September 1, 2007, the available natural flow at Superior-Courtland Diversion Dam will be apportioned as described in Attachment B of this Memorandum of Agreement. The accounting for the Bostwick Irrigation District in Nebraska's use of the above referenced 12,500 acre-feet 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, 2007, whichever is earlier. The accounting for any diversions at Superior-Courtland Diversion Dam subsequent to September 1, 2007 will be based on the historical methods used in prior years and recorded on said Attachment A.

b. For purposes of this agreement in 2007, Kansas-Bostwick Irrigation District No. 2's total diversions to be recorded on Attachment A, will be computed as follows: Kansas-Bostwick Irrigation District No. 2's actual diversions during 2007, as accounted for by Reclamation, LESS any diversions resulting from the purchase and or lease of irrigation water supplies from the Frenchman-Cambridge, Frenchman Valley and Riverside Irrigation Districts for the benefit of Kansas Bostwick Irrigation District, LESS the Bostwick Irrigation District in Nebraska's 2007 diversions to be recorded on Attachment A as provided in Article 2.a. above.

3. For purposes of this agreement in 2007, it is agreed that the irrigation waters being supplied to Kansas-Bostwick Irrigation District No. 2 will be utilized in the following order of priority by Kansas Bostwick Irrigation District No. 2:
 - a. Natural flow that may become available for diversion at the Superior-Courtland Diversion Dam during the Irrigation Season purchased or leased from Bostwick Irrigation District in Nebraska;
 - b. Any irrigation water resulting from the purchase and or lease of irrigation water supplies from the Frenchman Valley and Riverside Irrigation Districts for the benefit of Kansas-Bostwick Irrigation District No. 2,
 - c. Any irrigation water resulting from the purchase and or lease of irrigation water supplies from the Frenchman-Cambridge Irrigation District for the benefit of Kansas-Bostwick Irrigation District No. 2,
 - d. The 12,500 acre-feet of storage water allocated to the Bostwick Irrigation District in Nebraska in its water storage account at Harlan County Lake as calculated and published by Reclamation for 2007 according to the Harlan County Lake Operation Consensus Plan (hereinafter "Consensus Plan"),
 - e. Storage water allocated to the Kansas-Bostwick Irrigation District No. 2 in its water storage account at Harlan County Lake as calculated and published by Reclamation for 2007 according to the Harlan County Lake Operation Consensus Plan (hereinafter "Consensus Plan").

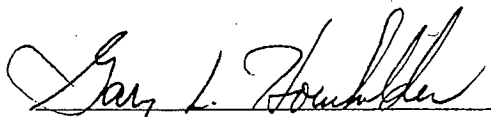
4. For purposes of this agreement in 2007, the delivery, protection, and accounting of the irrigation water supplies from the Frenchman-Cambridge Irrigation District for the benefit of Kansas-Bostwick Irrigation District No. 2 will be as directed by the Nebraska Department of Natural Resources, pursuant to applicable state laws and regulations. However, the United States desires to reserve the right to protect its

property interests if the delivery, protection, and accounting of the assigned water by the Nebraska Department of Natural Resources appears to reduce or diminish the water use benefits of the Bostwick Irrigation District in Nebraska's water supply that they would have received as a result of normal irrigation water deliveries from Harry Strunk Lake.

5. For purposes of this agreement in 2007, should any of the above referenced irrigation water resulting from the purchase and or lease of irrigation water supplies from the Frenchman-Cambridge Irrigation District for the benefit of Kansas-Bostwick Irrigation District No. 2 remain in Harlan County Lake at the end of the 2007 irrigation season, such amount less an appropriate reduction for losses associated with that storage, will be available for the exclusive use of the Kansas-Bostwick Irrigation District in water year 2008. However, should Harlan County Lake fill subsequent to the 2007 irrigation season, any flood storage releases made from Harlan County Lake will be subtracted from the exclusive use carryover storage available to Kansas-Bostwick Irrigation District as described above.
6. For purposes of this agreement in 2007, should any of the above referenced 12,500 acre-feet of storage water purchased and or leased by Nebraska Department of Natural Resources from the Bostwick Irrigation District in Nebraska for the benefit of Kansas-Bostwick Irrigation District No. 2 remain in Harlan County Lake at the end of the 2007 irrigation season, such amount less an appropriate reduction for losses associated with that storage, will be available for the exclusive use of the Kansas-Bostwick Irrigation District in water year 2008. However, should Harlan County Lake fill subsequent to the 2007 irrigation season, any flood storage releases made from Harlan County Lake in excess of the exclusive use carryover storage referenced in Article 5 above, will be subtracted from the exclusive use carryover storage available to Kansas-Bostwick Irrigation District as described above.


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

BOARD OF DIRECTORS
Bostwick Irrigation District in Nebraska



Walter Knehans President

Brad D. Peterson
Brad D. Peterson Secretary

James L. Miller
James Miller V.-Pres./Sec.

Monty D. Dahl
Monty D. Dahl Treasurer

Rodney Ely
Rodney Ely Treasurer

APPROVED:

BUREAU OF RECLAMATION
Nebraska-Kansas Area Office

Stephen F. Ronshaugen
Stephen F. Ronshaugen
Acting Area Manager

COST DISTRIBUTION PERCENTAGES

Corps of Engineers

Revised: 12/19/2006

HARLAN COUNTY DAM

ATTACHMENT A

Year	Bostwick in Nebraska		Kansas-Bostwick No.2		3-Year Total Diversions	Total Annual Diversions	Percentage		3-Year Total Diversions	Use For Year
	(1) Annual Diversions	3-Year Total Diversions	(3) Annual Diversions	3-Year Total Diversions			Nebraska	Kansas		
1972	48,713	--	50,701	--	99,414	--	--	--	--	--
1973	53,569	--	50,635	--	104,204	--	--	--	--	--
1974	56,204	158,486	80,126	181,462	339,948	46.6%	53.4%	339,948	46.6%	53.4%
1975	52,810	162,583	79,574	210,335	372,918	43.6%	56.4%	372,918	43.6%	56.4%
1976	66,885	175,899	110,406	270,106	446,005	39.4%	60.6%	446,005	39.4%	60.6%
1977	40,226	159,921	59,353	249,333	409,254	39.1%	60.9%	409,254	39.1%	60.9%
1978	50,356	157,467	71,009	240,768	398,235	39.5%	60.5%	398,235	39.5%	60.5%
1979	33,418	124,000	56,927	187,289	311,289	39.8%	60.2%	311,289	39.8%	60.2%
1980	55,360	139,134	83,490	211,426	388,550	39.7%	60.3%	388,550	39.7%	60.3%
1981	27,916	116,694	52,661	193,078	309,772	37.7%	62.3%	309,772	37.7%	62.3%
1982	39,776	123,052	66,436	202,587	325,639	37.8%	62.2%	325,639	37.8%	62.2%
1983	52,238	119,930	83,964	203,061	322,991	37.1%	62.9%	322,991	37.1%	62.9%
1984	58,875	150,889	84,092	234,492	385,381	39.2%	60.8%	385,381	39.2%	60.8%
1985	51,553	162,666	60,331	228,387	391,053	41.6%	58.4%	391,053	41.6%	58.4%
1986	58,665	169,093	69,133	213,556	382,649	44.2%	55.8%	382,649	44.2%	55.8%
1987	47,181	157,399	67,334	196,798	354,197	44.4%	55.6%	354,197	44.4%	55.6%
1988	62,288	168,134	90,207	226,674	394,808	42.6%	57.4%	394,808	42.6%	57.4%
1989	48,740	158,209	68,414	225,955	384,164	41.2%	58.8%	384,164	41.2%	58.8%
1990	41,837	152,865	80,909	239,530	392,395	39.0%	61.0%	392,395	39.0%	61.0%
1991	39,993	130,570	64,110	213,433	344,003	38.0%	62.0%	344,003	38.0%	62.0%
1992	25,471	107,301	20,323	165,342	272,643	39.4%	60.6%	272,643	39.4%	60.6%
1993	17,718	83,182	30,542	114,975	198,157	42.0%	58.0%	198,157	42.0%	58.0%
1994	55,207	98,396	71,277	122,142	220,538	44.6%	55.4%	220,538	44.6%	55.4%
1995	62,291	135,216	80,129	181,948	317,164	42.6%	57.4%	317,164	42.6%	57.4%
1996	46,764	164,262	71,942	223,348	387,610	42.4%	57.6%	387,610	42.4%	57.6%
1997	53,121	162,176	74,549	226,620	388,796	41.7%	58.3%	388,796	41.7%	58.3%
1998	53,122	153,007	75,370	221,861	374,868	40.8%	59.2%	374,868	40.8%	59.2%
1999	55,797	162,040	80,163	230,082	392,122	41.3%	58.7%	392,122	41.3%	58.7%
2000	67,992	176,911	95,161	250,694	427,605	41.4%	58.6%	427,605	41.4%	58.6%
2001	48,226	172,015	72,700	248,024	420,939	41.0%	59.0%	420,939	41.0%	59.0%
2002	43,863	160,081	72,634	240,495	400,576	40.0%	60.0%	400,576	40.0%	60.0%
2003	28,776	120,865	53,191	198,525	319,390	37.8%	62.2%	319,390	37.8%	62.2%
2004	5,800	78,439	30,913	156,738	235,177	33.4%	66.6%	235,177	33.4%	66.6%
2005	4,712	39,288	27,780	111,884	151,172	26.0%	74.0%	151,172	26.0%	74.0%
2006	8,979	19,491	29,467	88,160	107,651	18.1%	81.9%	107,651	18.1%	81.9%

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

* Annual diversions were estimated based on the procedure outlined in the amendment to the MOA between the two districts dated May 18th, 2006. These procedures assume that NE Bostwick utilized their share of the available water supply in Superior Canal. NE Bostwick did not actually divert water during the 2006 irrigation season.