

# DNR MEMO

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July 17, 2006

TO: David Barfield  
Ken Knox  
George Austin  
Megan Sullivan  
Scott Ross  
Brad Edgerton  
Shuhai Zheng

From: Mike Thompson

Subject: Non-Federal Reservoir Evaporation Computations

The Final Settlement Stipulation (Stipulation), Section VI.A. is titled "Soil and Water Conservation Measures". It states that the Compact accounting is to calculate the evaporation from "Non-Federal Reservoirs" located in an area that contributes run-off to the Republican River above Harlan County Lake, in accordance with the methodology set forth in the RRCA Accounting Procedures.

At this time the Republican River Compact Administration (RRCA) Accounting Procedures and Reporting Requirements, Revised January 12, 2005 (Accounting Procedures) document does not have instructions that are in accordance with Section VI.A. as cited above. The Accounting Procedures refer to the Computed Beneficial Consumptive Use from Non-Federal Reservoirs in the Basin. "Basin", "Consumptive Use", and "Computed Beneficial Consumptive Use" are defined on pages 5-6 of the Accounting Procedures without any mention of the "above Harlan County Lake" as required in the Settlement Stipulation.

After looking through the various definitions and procedures contained in both the Stipulation and Accounting Procedures, I have concluded that we should amend the 2004 Compact accounting computations and modify the Accounting Procedures to explicitly limit Non-Federal Reservoir evaporation computations to those above Harlan County Lake. Section I.F. of the Stipulation allows for modifying the Accounting Procedures. I believe Section I.G. bolsters my recommended course of action. It is clear to me that the Accounting Procedures should carry out the language in the Stipulation. I am sure it was an oversight when the Accounting Procedures were being assembled.

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