

DNR MEMO

May 6, 2004

Did not adopt

TO: Water Administration File
FROM: Roger, Ann, Brad, Dave, Kent, and Susan
SUBJECT: Water Administration for 2004 Below Harlan County Dam

Based on the recent settlement agreement between Kansas and Nebraska and based on the fact that Harlan County Reservoir is not expected to have 130,000 acre-feet of storage available for use (one of the stipulations for additional water administration found in the settlement), the Department will regulate the river below Harlan County Dam as follows.

Once Kansas Courtland Canal begins delivering water to its patrons, and diversions are no longer being stored in Lovewell Reservoir and the bypass at Guide Rock Diversion dam is zero, Nebraska Department of Natural Resources will administer the river to protect the following:

Superior Canal's A-2691CR, 4/3/1946 priority for 39.29 cfs
Superior Canal's A-4221, 2/26/1948 priority for .06 cfs
Nebraska Courtland Canal's A-4222, 2/26/1948 priority for 11.95
Kansas Courtland Canal's priority of 2/26/1948 (Unlimited)

Therefore, Permits senior to 2/26/1948 will be regulated to their legal limit and permits junior to 2/26/1948 will be closed. Bypass at the Guide Rock diversion dam will need to be zero, if a zero bypass cannot be maintained then an equal amount of appropriations that are junior will be allowed to pump until the wastewater is eliminated.

If the flow in Courtland Canal does not reach the Stateline then Nebraska will contact the Bureau, Kansas Bostwick Irrigation District and Kansas Dept. of Water Resources, if all parties agree that this effort is futile then administering for the Compact should cease and Nebraska would administer permit holders in Nebraska by priority, including the bypass of inflows through Harlan County Reservoir if needed.

Storage rights of all priorities located between Superior Canal and Harlan County Dam will be closed.

Note: Brad Edgerton attended two meetings in Mankato Kansas, the first on March 8, 2004 and the second on March 23, 2004, and informed some Nebraska water users, Kansas State employees and the U.S. Bureau of Reclamation that Junior permits will not be closed this irrigation season, however, this decision was changed in early may.