

Copy Given  
to Jim W

# STATE OF COLORADO

OFFICE OF THE STATE ENGINEER  
Division of Water Resources  
Department of Natural Resources

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MAY 24 2007

DEPARTMENT OF  
NATURAL RESOURCES



Bill Ritter, Jr.  
Governor

Harris D. Sherman  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

May 21, 2007

Mr. Steve Ronshaugen, Acting Area Manager  
U.S. Department of the Interior  
Bureau of Reclamation, Great Plains Region  
Nebraska-Kansas Area Office  
P.O. Box 1607  
Grand Island, NE 68802-1607

**Subject: Order of the State Engineer**

Dear Mr. Ronshaugen:

Pursuant to the Republican River Compact and terms explicitly stated in the water storage decree for Bonny Reservoir (Case No. W-9135-77), you are hereby ordered to immediately begin the release of the 2,200 acre-feet of water stored out-of-priority in Bonny Reservoir this year.

Paragraph 8 of the decree states “[w]ater shall not be impounded, except pursuant to the operation of lawful exchange, unless entitled to do so by virtue of the priority herein awarded. At all other times, all inflow of water into the reservoir from any source, including precipitation, shall be removed by applicant or applicant’s successors in interest by draining, pumping, or other means, and released into the nearest watercourse or below the reservoir, and not utilized by applicant or applicant’s successors in interest in any manner”. Due to the limitations imposed upon the State of Colorado by the Republican River Compact and the Final Settlement Stipulation in *Kansas v. Nebraska and Colorado*, No. 126 Original, the Colorado State Engineer has determined that Bonny Reservoir is currently storing water out-of-priority.

In order to protect property downstream of the reservoir, the rate of release shall be 100 cubic feet per second or the maximum amount possible under the then existing hydraulic head conditions to the outlet, which ever is less. Accounting of the release shall be under the authority of the Colorado State Engineer. The release shall continue until 2,200 acre-feet is released. We anticipate the duration of the release to be approximately 11 days or longer if there is a reduced rate of release. The Colorado State Engineer will use the streamflow gaging station located downstream of Bonny Dam on the South Fork of the Republican River at the Colorado-Kansas state line for accrued measurement of the

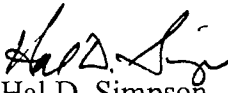
Mr. Steve Ronshaugen, Acting Area Manager  
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storage release that is above antecedent streamflow conditions of approximately 6 cubic feet per second. This Order is in effect and the rate of release shall continue until it is revoked in writing by the Colorado State Engineer.

This order is made under the authority vested in the Colorado State Engineer under C.R.S. § 37-80-102(a), Section IX of the Republican River Compact (C.R.S. § 37-67-101; 57 Stat. 86 (1943)), Hinderlider v. La Plata River & Cherry Creek Ditch Co., 304 U.S. 92 (1938) and 43 U.S.C. § 666.

Sincerely,

  
Hal D. Simpson  
State Engineer

cc: David Pope, Kansas Chief Engineer  
Ann Bleed, Nebraska State Engineer  
Alexandra Davis, Colorado Department of Natural Resources  
Ken Knox, Colorado Chief Deputy State Engineer  
Jim Hall, Division 1 Engineer  
Peter Ampe, Colorado Assistant Attorney General  
Grady McNeil, Colorado Division of Wildlife  
Paul Flack, Colorado State Parks