



Dave Heineman  
Governor

KAN. EXHIBIT 84  
Kan. v. Neb & Colo. No. 126, Orig.  
Arbitration Initiated 10/21/08

# STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES  
Ann Bleed  
Acting Director

May 1, 2006

IN REPLY TO:

Mr. Hal D. Simpson, State Engineer  
Colorado Division of Water Resources  
1313 Sherman St., Rm. 818  
Denver, CO 80203

Mr. David Pope, Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
901 S. Kansas Avenue, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1283

Mr. Steve Raunshagen, Acting Area Manager  
Great Plains Region  
Nebraska - Kansas Area Office  
P.O. Box 1607  
Grand Island, NE 68802-1607



NAME	INITIAL	ACTION	DATE
Steve	SR	by	5/3
Alice	A		5/4
Mike	R		5-5
Jack			5/8
McCook		by	5/3
REMARKS:			

Subject: Water Short Year Administration Measures

Dear Hal, David and Steve:

This letter is to formalize what we previously discussed with you on an informal basis. As identified in the Final Settlement Stipulation Section V.B.2.d., Nebraska is advising you of the following measures Nebraska plans to take in anticipation of a Water Short Year. The measures are cited by the corresponding Section in the Final Settlement Stipulation:

V.B.2.a.i. - "supplementing water for Nebraska Bostwick Irrigation District by providing alternate supplies from below Guide Rock or from outside the Basin". Nebraska intends to enter into an agreement with the Nebraska Bostwick Irrigation District whereby it is unlikely that Superior Canal will be diverting surface water during 2006. It is estimated that 5,000 AF of natural flow would have been available for diversion into Superior Canal. This action will allow Kansas to divert the natural flow into Courtland Canal. Some irrigators in the Superior Canal surface water delivery area will be using an alternate supply from ground water wells located below Guide Rock Diversion Dam.

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V.B.2.a.iv. - "reducing use of storage by Nebraska Bostwick Irrigation District above Guide Rock". As previously stated, Nebraska intends to enter into an agreement with the Nebraska Bostwick Irrigation District to purchase the use of storage available from Harlan County Lake based on the January 2006 estimate of storage from the U.S. Bureau of Reclamation. The January 2006 estimated irrigation storage supply in HCL is 15,700 AF. Nebraska Bostwick would be entitled to approximately 10,118 AF of the total.

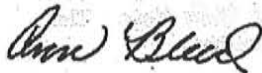
As discussed with State of Kansas and Kansas Bostwick Irrigation District Officials, it is expected that those supplies relinquished for the 2006 irrigation season will be diverted by Kansas Bostwick at the Guide Rock Diversion Dam along with the natural flow previously mentioned.

V.B.2.a.v. - "dry year leasing of water rights that divert at or above Guide Rock". Nebraska will enter into two additional agreements with surface water users. The first is an agreement with the Riverside Canal Company to forgo diversion from Frenchman Creek during the 2006 irrigation season. The diversion is immediately above the confluence of Frenchman Creek with the Republican River. It is estimated that action will maintain 2,000 AF in the river above HCL, which would have been diverted into Riverside Canal.

The second agreement above HCL is with Frenchman Valley Irrigation District (FVID). FVID's Culbertson Canal diverts from Frenchman Creek above the Riverside Canal headgate. It is estimated that would maintain 8,000 AF in the river above HCL, which would have been diverted into Culbertson Canal.

If you have any questions please feel free to contact me.

Sincerely,



Ann Bleed,  
Acting Director