

**RESOLUTION BY THE REPUBLICAN RIVER WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS REGARDING RESOLVING CERTAIN ISSUES BETWEEN
THE STATES OF KANSAS AND COLORADO REGARDING THE REPUBLICAN
RIVER COMPACT**

Resolution 16-02

WHEREAS, the Republican River Compact (“Compact”) allocated water for beneficial consumptive use in Colorado, Kansas, and Nebraska derived from the computed virgin water supply originating in designated drainage basins (referred to as sub-basins), the main stem of the Republican River and small tributaries thereof, and from water supplies of upstream basins otherwise unallocated; and,

WHEREAS, Colorado received allocations for beneficial consumptive use from the North Fork of the Republican River sub-basin, the Arikaree River sub-basin, the South Fork of the Republican River sub-basin, and the Beaver Creek sub-basin and, in addition, Colorado was allocated, for beneficial consumptive use, the entire water supply of the Frenchman Creek sub-basin in Colorado and the Red Willow Creek sub-basin in Colorado; and,

WHEREAS, the States of Kansas, Nebraska, and Colorado entered into a Final Settlement Stipulation (“FSS”) as of December 15, 2002, to resolve pending litigation in the United States Supreme Court regarding the Republican River Compact (“Compact”) in the case of *Kansas v. Nebraska and Colorado*, No. 126 Original; and,

WHEREAS, the FSS was approved by the United States Supreme Court on May 19, 2003;

WHEREAS, the Republican River Water Conservation District (“District”) was created pursuant to section 37-50-103(1), C.R.S.; and,

WHEREAS, the District was formed for the purpose of cooperating with and assisting the State of Colorado to carry out its duty to comply with the limitations and duties imposed upon the State by the Republican River Compact; and,

WHEREAS, Various disputes among the States have arisen since the FSS was adopted and the States have engaged in both litigation and negotiation in attempts to resolve those disputes and the District has supported the State of Colorado in its efforts to resolve these disputes on terms acceptable to the District and the State of Colorado; and,

WHEREAS, the District purchased groundwater rights and built a pipeline to deliver replacement water to the North Fork of the Republican River, has provided the local cost share to permanently or temporarily retire 49,500 previously irrigated acres within the District and has purchased various surface water rights on the tributaries of the Republican River, all to assist the State of Colorado in complying with the Compact; and,

WHEREAS, the District is a party to a confidentiality agreement with the States of Kansas, Nebraska, and Colorado; and,

WHEREAS, under the terms of that confidentiality agreement, the State of Colorado shared a draft RESOLUTION BY THE REPUBLICAN RIVER COMPACT ADMINISTRATION APPROVING AN AUGMENTATION PLAN AND RELATED ACCOUNTING PROCEDURES FOR THE COLORADO COMPACT COMPLIANCE PIPELINE AND SETTling ALL OTHER ISSUES BETWEEN COLORADO AND KANSAS UNDER THE REPUBLICAN RIVER COMPACT (“Settlement Resolution”) dated August 10, 2016; and,

WHEREAS, the Board of Directors of the District has discussed the Settlement Resolution; and,

WHEREAS, the Board of Directors hereafter states the terms under which it accepts the draft settlement resolution and its qualified support of the State of Colorado entering into such resolution;

NOW, THEREFORE, it is hereby resolved that:

1. The District understands that it is not and will not be a signatory to the Settlement Resolution or other settlement among the States and, therefore, there will not be a binding obligation on the District to perform any specific task or take any specific action required to comply with the Settlement Resolution; and,
2. The District will continue to fund the Republican River Conservation Reserve Enhancement Program (“CREP”) within the District boundaries in accordance with its statutory mandate to assist the State of Colorado in meeting the terms of the FSS and the goals listed in the Settlement Resolution, within the limitations of the District’s annual budget(s) and the conditions of the Republican River CREP; and,
3. The Republican River CREP is a voluntary program in which participation by any single or group of producers cannot be compelled and the District does not have any mechanism to force producers to enroll in the Republican River CREP; and,
4. The District will continue to cooperate with the State of Colorado to operate the Compact Compliance Pipeline, which the District constructed, in a manner that meets the agreements between the three States to the extent that it can do so within the constraints imposed by the operational approvals of the Sand Hills Ground Water Management District and the Colorado Groundwater Commission; and,
5. The District understands than any of the States may terminate the Settlement Resolution by filing a notice of intent to terminate in writing and that any RRCA resolution

addressing a specific storage pool in Harlan County Reservoir will contain the same termination provisions; and,

6. The District remains concerned that other, specific, issues that have a direct impact on the State of Colorado's ability to comply with the Compact have not been resolved and urge the State of Colorado to continue to attempt to resolve those issues with terms that are acceptable to the State of Colorado and the District so as to allow the District long-term certainty as to Compact accounting; and,
7. The District may revoke this resolution and its support of a settlement if any final resolution adopted by the RRCA differs in any substantive way from the Settlement Resolution provided to the District or is in conflict with this Resolution.

ADOPTED this 23 day of August, 2016.

ATTEST

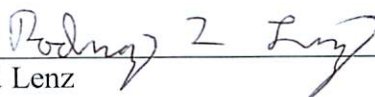
BOARD OF DIRECTORS

**REPUBLICAN RIVER WATER
CONSERVATION DISTRICT**

**Acting as the Governing Body of the
RRWCD Water Activity Enterprise**



Tim Pautler
Secretary



Rod Lenz
President