RESOLUTION OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION

AMENDED RESOLUTION APPROVING ACCOUNTING ADJUSTMENTS AND AGREEMENTS RELATED TO THE OPERATION OF HARLAN COUNTY LAKE FOR COMPACT YEAR 2016

November 24, 2015

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;

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

Whereas, the States, in consultation with the United States, previously determined that the Compact may be administered in a manner that increases flexibility for all water users, while remaining consistent with the terms of the Compact and the FSS; and

Whereas, the RRCA desires to establish an agreement to guide them through April 1, 2017, while they continue to develop long-term modifications to reservoir operations and the RRCA Accounting Procedures.

Whereas, the RRCA previously adopted a resolution on August 27, 2015 titled "Resolution Approving Accounting Adjustments and Agreements Related to the Operation of Harlan County Lake for Compact Year 2016.

NOW THEREFORE BE IT RESOLVED:

Provisions:

1) For purposes of this Resolution only, the following definitions shall apply:
    a. *Compact Call Forecast Volume* means the amount of water that is identified through application of the signing of this agreement forecasting methodology established in Nebraska's Republican River Basin Integrated Management Plans.
    b. *Compact Compliance Volume* means the amount of augmentation water supplied by the Rock Creek and/or N-CORPE projects, which is required for Nebraska's Compact compliance, as determined on December 31, 2016.
    c. *Kansas Account* means the water made available in Harlan County Lake exclusively for use by KBID.
    d. *June 1 Irrigation supply for Kansas* means all water in the Kansas Account exclusive of any water carried forward pursuant to Warren Act contract number 14WR630034.

2) Nebraska shall establish, pursuant to the Integrated Management Plans, the Compact Call Forecast Volume for 2016 no later than December 31, 2015.

3) Nebraska shall make good faith efforts to ensure that, no later than June 1, 2016, the June 1 irrigation supply for Kansas has not less than the lesser of 40,000 acre feet of water, or the Compact Call Forecast Volume combined with Kansas' share of inflows into HCL.

4) Nebraska shall evaluate actual hydrologic conditions on a regular basis to estimate the Compact Compliance Volume. Beginning April 10, 2016, Nebraska shall provide the results of this estimate to Kansas and Colorado and to the United States not later than the tenth day of each month. Nebraska shall provide to the other States the final Compact Compliance Volume on December 31, 2016.

5) In the event any action taken under Provision 3 fails to ensure the full Compact Compliance Volume reaches the Kansas Account by June 1, 2016, Nebraska shall ensure that the remainder is delivered to the Kansas Account no later than April 1, 2017 [separate and in addition to any obligation for 2017].

6) The accounting offset for Nebraska's 2016 compliance operations shall be recorded in the "Imported Water Supply Credit" and "Imported Water Supply Credit Above Guide Rock" columns of Nebraska's Table 3 and Table 5c respectively which, for the 2016 Compact Accounting for Nebraska, will be increased by the amount of augmentation water delivered into the Kansas Account pursuant to Provision 3 and 5. The 2016 and, as necessary, the 2015 and 2017 Virgin Water Supply of Rock Creek and Medicine Creek will be reduced by the amount of augmentation water supplied between October 1, 2015 and April 1, 2017 in the year pumped.

7) The foregoing is contingent upon one or more of the following actions being taken to effectuate this agreement:

   a. Successful execution, of an amendment to the MOA between NBID and KBID allocating project water in a manner that effectuates this Agreement; or
   b. Nebraska utilizing its administrative authorities to effectuate this agreement.

Dick Wolfe, P.E.
Colorado Commissioner
Chairman, RRCA

12/10/15
date

Gordon W. Fassett, P.E.
Nebraska Commissioner

11/24/15
date

David W. Barfield, P.E.
Kansas Commissioner

11/24/2015
date