

**RESOLUTION  
OF  
THE REPUBLICAN RIVER COMPACT ADMINISTRATION  
REGARDING NEBRASKA'S ROCK CREEK AUGMENTATION  
PROPOSAL**

**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 *Kansas v. Nebraska and Colorado*, No 126 Original;

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

**Whereas**, by letter dated February 8, 2013, the State of Nebraska submitted to the State of Kansas and the State of Colorado a copy of the "Rock Creek Augmentation Project" plan (Rock Creek Plan), a copy of which is attached hereto and incorporated by reference as Exhibit A;

**Whereas**, The States held a working session of the RRCA on March 1, 2013, concerning the Rock Creek Plan, during which Nebraska clarified that:

- 1) The "Augmentation Water Supply Credit" referenced on page 36 of 98 of the Rock Creek Plan describes the Augmentation Water Supply Credit Calculation; and
- 2) The annual reporting for the Augmentation Plan described on page 66 of 98 is intended to serve as a narrative summarizing the annual operations for each augmentation project.

**Whereas**, Nebraska's Rock Creek Plan has been properly presented and submitted to the Republican River Compact Administration pursuant to the FSS;

**Whereas**, on February 8, 2013, the State of Nebraska provided the State of Kansas and the State of Colorado notice that it wished to pursue "fast track" resolution of the issue;

**Whereas**, Nebraska has developed a methodology to provide the appropriate "Augmentation Credit" referenced in Subsection IV.A. of the FSS, and that methodology has been submitted to the RRCA as part of the Rock Creek Plan;

**Whereas**, the States agree that Nebraska's proposed Rock Creek Plan and the Augmentation Credit conform to the requirements set forth in the FSS and that the RRCA should adopt Nebraska's proposed Rock Creek Plan; and

**Now, therefore**, it is hereby resolved that the RRCA approves and adopts the State of Nebraska's Rock Creek Plan attached as Exhibit A.

Approved by the Republican River Compact Administration this 8<sup>th</sup> day of March 2013.

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David Barfield, P.E.  
Kansas Commissioner  
Chairman

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Date

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Brian Dunnigan, P.E.  
Nebraska Commissioner

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Date

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Dick Wolfe, P.E.  
Colorado Commissioner

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Date