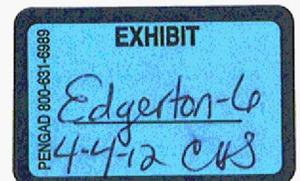


1 River Basin, as well as those of Kansas's other
 2 interstate basins.
 3 And whereas, Lee has worked in an exemplary
 4 manner throughout his career to cooperate with the
 5 States of Colorado and Nebraska in the effective
 6 administration of the Republican River Compact and to
 7 improve the workings of the Republican River Compact
 8 Administration.
 9 And whereas, Lee has played a central role
 10 in litigation of Kansas v. Colorado and Nebraska,
 11 No. 126 Original, which sought to resolve fundamental
 12 disputes concerning the quantification and location of
 13 water of the Republican River, as well as other disputes
 14 associated with Republican River Compact.
 15 And whereas, Lee played a commensurate
 16 leadership role in the settlement of that litigation,
 17 working with legal counsel and the technical experts
 18 from the other States to achieve the final settlement
 19 stipulation of 2003, which produced a more satisfactory
 20 resolution of Compact disputes than protracted
 21 litigation could have accomplished.
 22 And whereas, Lee's vast knowledge of water
 23 law, his positive attitude, his friendly personality,
 24 and his congenial temperament have been great assets to
 25 the Compact Administration and the State of Kansas, now

1 relationships between the States. So please express our
 2 sincerest gratitude, as well, to Mr. Rolfs.
 3 COMMISSIONER BARFIELD: All right. Thank
 4 you.
 5 COMMISSIONER WOLFE: All those in favor,
 6 signify by saying aye.
 7 COMMISSIONER DUNNIGAN: Aye.
 8 COMMISSIONER BARFIELD: Aye.
 9 COMMISSIONER WOLFE: Aye. Motion approved.
 10 Thank you, Commissioner Barfield, for
 11 bringing that forward to the Commissioners.
 12 At this time, we're on to Agenda Item 8(c).
 13 This is in regards to a request to dissolve the Ad Hoc
 14 Legal Committee.
 15 So at this time, I'd entertain a motion to
 16 absolve -- dissolve, excuse me -- attorneys probably
 17 understand the nuance there -- dissolve the Ad Hoc Legal
 18 Committee as there are no current assignments to that Ad
 19 Hoc Committee. So I would at this time entertain that
 20 motion.
 21 COMMISSIONER DUNNIGAN: So moved.
 22 COMMISSIONER BARFIELD: Second.
 23 COMMISSIONER WOLFE: All right. Any
 24 discussion?
 25 All those in favor, signify by saying aye.

1 therefore, be it hereby resolved that the Republican
 2 River Compact Administration does hereby express its
 3 sincerest gratitude and appreciation to Lee E. Rolfs for
 4 his excellent and dedicated service.
 5 Be it further resolved that the Republican
 6 River Compact Administration honor Mr. Rolfs' service by
 7 including this resolution and the appropriate dedicatory
 8 remarks in the Annual Report for the Compact year of
 9 2009 and hereby instructs the Administration to send
 10 copies of this resolution to the Rolfs family and to the
 11 Governor of the State of Kansas.
 12 And then it says, Adopted by the Republican
 13 River Compact Administration on this 12th day of 2010 at
 14 the 50th Annual Meeting of RRCA held in Burlington,
 15 Colorado.
 16 So I would move that we sign this
 17 resolution.
 18 COMMISSIONER DUNNIGAN: Second.
 19 COMMISSIONER WOLFE: All right. Motion,
 20 second. Any discussion?
 21 I'd like to also just express our gratitude
 22 as well. I know I did not work for a long period with
 23 Mr. Rolfs, but I do concur with the remarks you stated
 24 in here and his efforts and his personality and so forth
 25 was very beneficial, I think, in seeking cooperative

1 COMMISSIONER DUNNIGAN: Aye.
 2 COMMISSIONER BARFIELD: Aye.
 3 COMMISSIONER WOLFE: Aye. Motion approved.
 4 Thank you to those who are on that Ad Hoc
 5 Committee for your advice and recommendations.
 6 At this time, we're on to Agenda Item 9,
 7 Remarks from the Public. Do we have anyone here in the
 8 audience who would like to address the Commissioners at
 9 this time?
 10 Mr. Edgerton. We have a microphone that
 11 you can utilize there. Welcome.
 12 MR. EDGERTON: Commissioners, my name is
 13 Brad Edgerton. I'm the manager for Frenchman-Cambridge
 14 Irrigation District, which serves 45,600 acres with
 15 natural flow from the Republican River and Red Willow
 16 Creek.
 17 In addition to the natural flow, we have
 18 three federal reservoirs that we can call on for storage
 19 water when the flow of the river is insufficient to meet
 20 our permitted diversion rate.
 21 On July 11, 1951, the State of Nebraska
 22 granted the Bureau of Reclamation a storage permit for
 23 Trenton Dam totaling 122,800 acre-feet. Eight days
 24 later, on July 19, 1951, Frenchman-Cambridge Irrigation
 25 District Board of Directors signed a contract with the



1 Bureau of Reclamation for 91,359 acre-feet of that
 2 storage supply.
 3 91,000 acre-feet is equivalent to three
 4 irrigation seasons for the 17,000 acres in the
 5 Meeker-Driftwood Canal. Colorado is fast approaching
 6 that volume of water, which has been illegally diverted
 7 from the stream by the terms of the Republican River
 8 Compact and the Final Settlement Stipulation.
 9 During this same period, water users in
 10 Nebraska responsible for the construction costs of the
 11 project under the Meeker-Driftwood Canal had zero water
 12 for six consecutive years.
 13 We do appreciate the work Colorado has done
 14 towards compliance with the Compact and understand the
 15 sacrifice Colorado water users are making to help
 16 achieve compliance.
 17 However, Commissioner Wolfe, it's not
 18 enough. You need to do more and now. You agreed to a
 19 five-year rolling average, not a 15-year average.
 20 In March of 2008, Frenchman-Cambridge
 21 Irrigation District petitioned DNR to reevaluate the
 22 Republican River Basin as allowed in State Statutes
 23 46-713.2. That petition was denied by DNR.
 24 Frenchman-Cambridge recently appealed
 25 Director Dunnigan's decision not to scientifically

1 Thank you.
 2 COMMISSIONER WOLFE: Thank you. Any
 3 questions?
 4 Thank you. Any other comments from the
 5 audience?
 6 Seeing none, we will continue to move on.
 7 We're on to Agenda Item No. 10, Future
 8 Meetings. We had discussed yesterday, in light of some
 9 of the items like the status of previous annual reports
 10 and meeting reports, having not been completed yet, that
 11 having those before us, that we would take those up at a
 12 special meeting with other matters that would come
 13 before this Administration around the first part of
 14 November. We will work amongst ourselves to set a date
 15 that's acceptable to everyone to do that and identify
 16 which agenda items should be included in that agenda.
 17 Also, we'll have a year from now, again, in
 18 August of 2011, the next annual meeting in Colorado. We
 19 think we've -- we like the arrangements that we've had
 20 here in Burlington. And although we haven't finalized
 21 it, I would anticipate that we might have next year's
 22 annual meeting, as well, here in Burlington, if that
 23 works to everyone's satisfaction. But we'll obviously
 24 have to get those dates set and make sure we have a
 25 facility like this to conduct that meeting.

1 evaluate the Republican River Basin. We believe
 2 reevaluation will illustrate just how far we have
 3 overdeveloped. A sound understanding of the real
 4 problem will allow Nebraska to develop reasonable
 5 management solutions.
 6 We have always believed that a sustainable
 7 supply should be the goal. Minute groundwater is not
 8 sustainable. We have said that the upper -- it was said
 9 that the Upper Republican NRD lag effect has peaked. I
 10 don't believe this. As long as there is base flow in
 11 the streams to deplete, those depletions in the upper
 12 basin will continue to increase until the streams are
 13 dry.
 14 This should be a major concern for this
 15 Commission, and I would hope that the work Nebraska has
 16 started with the newly formed Republican River
 17 Sustainable Task Force would spread into Colorado. We
 18 simply cannot use more water than what Mother Nature
 19 gives us and expect it to be there for the next
 20 generation.
 21 If you think water is not going to be
 22 valuable in the future, then we should use it up now.
 23 If you think different, then it is your duty as
 24 representatives of State Government to protect that
 25 resource for all, now and forever.

1 So before we adjourn, are there any last
 2 comments or remarks from the Commissioners?
 3 COMMISSIONER BARFIELD: Do we want to set a
 4 date yet? And I guess I have a question with respect to
 5 the date of the annual meeting. It seems like every
 6 year we have to write each other.
 7 Okay. Rule No. 9 says: The Republican
 8 River Compact shall hold a regular meeting prior to
 9 August 1 of each year. And then it says we can waive
 10 that if we all agree, and I think every year we've done
 11 that.
 12 Are we getting closer to the point where
 13 maybe we could not have to move into August to conduct
 14 the meeting? I mean, could we do a July meeting, as
 15 sort of our Rules envision, or are we still to the point
 16 where we can't get the work done in time?
 17 COMMISSIONER WOLFE: And some of you may
 18 know the history on this, but I understand part of the
 19 reason for going into August is because some of the
 20 estimates for some of the accounting stuff isn't done
 21 until the end of July. And I don't know if that's what
 22 caused this to move into August or not, but that's my
 23 understanding of it, so --
 24 COMMISSIONER BARFIELD: Well, I think
 25 that's correct, although I think Colorado -- we could do