

**RESOLUTION OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION**  
**NEBRASKA'S ALTERNATIVE WATER-SHORT YEAR ADMINISTRATION PLAN**

**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 July 30, 2012, the State of Nebraska submitted to the State of Kansas and the State of Colorado a copy of the "State of Nebraska's Plan for Reduction of Computed Beneficial Consumptive Uses under Alternative Water-Short Year Administration" (WSYA Plan);

**Whereas**, Nebraska has previously provided the State of Kansas and the State of Colorado RRCA Groundwater Modeling results indicating the expected CBCU reductions resulting from Nebraska's actions during Compact Call years.

**Whereas**, Nebraska's WSYA Plan has been properly presented and submitted to the Republican River Compact Administration pursuant to Appendix M of the FSS.

**Whereas**, on September 14, 2012, the State of Nebraska provided the State of Kansas and the State of Colorado notice that if its WSYA Plan were not approved by the RRCA that Nebraska would have to pursue "fast track" resolution of the issue;

**Whereas**, on October 3, 2012, the State of Nebraska was provided notice by the United States Bureau of Reclamation that the potential for Water-Short Year Administration exists in 2013;

**Whereas**, no methodology exists in the RRCA Accounting Procedures and Reporting Requirements to determine necessary reductions in Computed Beneficial Consumptive Use (CBCU) for the upcoming year (defined as the current year in Table 5D of the RRCA Accounting Procedures and Reporting Requirements) prior to August 1 of the current year (defined as year = -1 in Table 5D of the RRCA Accounting Procedures and Reporting Requirements);

**Whereas**, Nebraska has developed a methodology to determine the necessary reductions in CBCU by December 31<sup>st</sup> for the upcoming year (provided with Nebraska's WSYA Plan); following the determination of the necessary reductions Nebraska will then determine the actions from those indicated within the WSYA Plan that it will utilize to produce such reductions; and these actions and their expected reductions in CBCU will be provided to the RRCA prior to April 1 of the year in which the WSYA Plan is implemented;

**Whereas**, the States agree that the expected reductions in CBCU implemented through Nebraska's WSYA Plan shall be evaluated by the Republican River Compact Administration

(RRCA) using methods consistent with the RRCA Accounting Procedures and the RRCA Groundwater Model;

**Whereas**, the States agree that Nebraska’s proposed WSYA Plan conforms to the requirements set forth in Appendix M of the FSS and that the RRCA should adopt Nebraska’s proposed WSYA Plan; and

**Now, therefore**, it is hereby resolved that the RRCA approves and adopts the “State of Nebraska’s Plan for Reduction of Computed Beneficial Consumptive Uses under Alternative Water-Short Year Administration”

Approved by the Republican River Compact Administration this 16<sup>th</sup> day of October 2012.

\_\_\_\_\_  
David Barfield, P.E.  
Kansas Member  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian Dunnigan, P.E.  
Nebraska Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dick Wolfe, P.E.  
Colorado Member

\_\_\_\_\_  
Date