

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

August 7, 2003

IN REPLY REFER TO:

Mike Johanns
Governor

David Pope
Chief Engineer-Director
Division of Water Resources
Kansas State Board of Agriculture
901 South Kansas Avenue, 2nd Floor
Topeka, KS 66612-1283

Dear David,

As we all have now been advised, Lee Rolfs has completed preparation of a draft set of rules and regulations for the Republican River Compact Administration. That draft was e-mailed to all of us yesterday.

Rule 13 of the Republican River Compact Administration rules and regulations require as follows:

Amendments, revisions, deletions or additions to these Rules and Regulations may be made at any meeting of the Administration, provided that official members or duly appointed and acting personal representatives from all three states are present. Such changes may also be made at any meeting at which a quorum is present, provided that a statement of the proposed changes is sent by the Chairman to all official members of the Administration by ordinary mail at least fifteen (15) days in advance of the meeting at which they are to be considered.

In order to satisfy the requirements of that rule, I am enclosing a paper copy of the draft of the new rules and regulations. I believe we are not precluded by Rule 13 from mailing amendments to that draft before action is taken at the August 22 meeting. To make that process as efficient as possible, please share any suggested revisions with the other Compact Administration members at the earliest possible date.

Sincerely,

A handwritten signature in black ink that reads "Roger K. Patterson".

Roger K. Patterson
Director

jc

Enclosure: Draft Rules and Regulations dated August 6, 2003

clrshare/patterson

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

August 7, 2003

IN REPLY REFER TO:

Mike Johanns
Governor

Hal Simpson
State Engineer
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, CO 80203

Dear Hal,

As we all have now been advised, Lee Rolfs has completed preparation of a draft set of rules and regulations for the Republican River Compact Administration. That draft was e-mailed to all of us yesterday.

Rule 13 of the Republican River Compact Administration rules and regulations require as follows:

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Sincerely,

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Roger K. Patterson
Director

jc

Enclosure: Draft Rules and Regulations dated August 6, 2003

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DRAFT

Rules and Regulations

Republican River Compact Administration

August 6, 2003

1. The officials in Colorado, Nebraska, and Kansas who are now or may hereafter be charged with the duty of administering the public water supplies shall be the commissioners of the administrative body hereby designated as the "Republican River Compact Administration" (RRCA). The commissioners as of the effective date of these regulations are the Director of the Nebraska Department of Natural Resources, the State Engineer of the Division of Water Resources of the Colorado Department of Natural Resources, and the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.
2. The Republican River Compact (Compact) shall be administered by the RRCA.
3. The commissioners of the RRCA shall serve their respective terms of office concurrent with, and as the officials of, each state charged with administering the public water supplies.
4. Each state official shall be recognized as a commissioner of the RRCA upon furnishing to the other commissioners satisfactory evidence that he or she is the official in his or her state charged with the duty of administering the public water supplies as set forth in Article IX of the Republican River Compact.

A commissioner may appoint a designee to discharge his or her duties. A designee shall have all the powers of the commissioner during the period of his or her designation. A

designee shall be recognized as the official designee of a commissioner upon presentation to the other commissioners of a written delegation.

5. The chair of the RRCA shall be a commissioner of the RRCA. Each chair shall be elected and serve for two annual meetings. The chair's term shall begin upon the conclusion of the meeting at which he or she is elected and shall expire after the second annual meeting at which he or she serves as chair. Unless otherwise agreed by the commissioners, the rotation of the chair shall be in the following order beginning after the annual meeting in 2003: Colorado, Kansas and Nebraska.
6. The chair shall preside at all meetings of the RRCA. The chair may initiate or second motions and vote on all matters coming before the RRCA. The chair shall issue notice of all meetings to all commissioners as to the time, place, and agenda of the meeting at least 15 days in advance of any regular meeting, unless otherwise agreed by the commissioners, and as soon as possible prior to any special meeting. Any issue to be raised for dispute resolution at a regular meeting pursuant to paragraph 14 of these regulations shall be distributed to the commissioners at least 30 days in advance of the regular meeting. The agenda shall include all items requested to be placed on the agenda by each commissioner. The chair shall also keep a record of the proceedings of all meetings and of all transactions of the RRCA during their term of office which shall include a transcript of each meeting of the RRCA, unless otherwise agreed by the commissioners. The chair shall furnish copies thereof to the commissioners who shall also preserve a complete file of RRCA records.
7. The RRCA hereby creates the standing engineering committee which shall be composed

of at least one representative from each state. The RRCA may create other standing or special committees composed of the commissioners of the RRCA and/or other persons appointed by the commissioners. The RRCA may assign to such committees any tasks that it determines to be appropriate.

8. The RRCA shall hold a regular annual meeting prior to August 1st each year; however, the chair may waive an annual meeting, or hold the meeting at a later date, upon the unanimous written consent of the commissioners. The annual meeting shall be held at a location in the chair's state at a time and place acceptable to the other commissioners.
9. The RRCA shall hold a special meeting upon the call of the chair or upon the written request to the chair by any commissioner, with the consent of all the commissioners. The chair of the RRCA shall poll all of the commissioners prior to setting the meeting date, time, and place of a specially scheduled meeting. All commissioners shall make a good faith effort to arrange a mutually agreeable date, time, and place for all meetings. A special meeting may be conducted only when all commissioners or their designees are available to attend.
10. A quorum for the purpose of transacting official business of the RRCA shall be that all of the commissioners of Colorado, Kansas, and Nebraska, or their designees, are present. All matters coming before the RRCA shall be determined by a unanimous vote. Each state shall have one vote. Each action of the RRCA shall be documented by formal written resolution or shown in the approved minutes. A request for formal resolution may be made by any commissioner.
11. The RRCA, shall adopt and enter upon its records, annual reports summarizing its

compact accounting, official actions of RRCA, and such other matters as may be deemed appropriate by the commissioners. Copies of the report shall be furnished to the President of the United States; the Governors of the States of Colorado, Nebraska and Kansas; and to the officials of state and federal agencies and any other person, as determined by the RRCA.

12. Amendments, revisions, deletions, or additions to these rules and regulations may be made at any meeting of the RRCA provided that written notice of the proposed changes is sent by the commissioner proposing the changes to the other two commissioners at least 15 days in advance of any meeting at which they are to be considered, unless otherwise agreed by the commissioners.
13. Compact accounting and data exchanges among the states shall be done annually in accordance the Final Settlement Stipulation, dated December 15, 2002, including the RRCA Accounting Procedures and Reporting Requirements, which are contained in Appendix C thereof; and the Republican River Compact Administration Groundwater Model, dated July 1, 2003; as approved by the parties and filed in the case of *Kansas v. Nebraska and Colorado*, No. 126, Original, in the Supreme Court of the United States. The annual accounting shall be completed by the engineering committee and submitted to the RRCA no later than June 1st of the year following the year for which the accounting is being done, unless otherwise agreed by the commissioners. The RRCA may modify the RRCA Accounting Procedures and Reporting Requirements and the RRCA Groundwater Model by amending these regulations. At the time of any modification, the RRCA shall specify the time and method for implementation of each modification.

14. Any dispute arising among the states of the RRCA shall be resolved in accordance with the procedures set forth in Article VII of the Final Settlement Stipulation, dated December 15, 2002, approved by the states and filed in the case of *Kansas v. Nebraska and Colorado*, No. 126, Original, in the Supreme Court of the United States.

Adopted by the Republican River Compact Administration this _____ day of August, 2003.

Roger Patterson

Chair

Republican River Compact Administration

Commissioner for Nebraska

David Pope

Commissioner for Kansas

Hal Simpson

Commissioner for Colorado

RESOLUTION

BE IT RESOLVED that the Republican River Compact Administration (RRCA) hereby repeals rules and regulations of the RRCA adopted July 15, 1959, as amended; the RRCA Formulas for the Computation of Annual Virgin Water Supply adopted April 4, 1961, as amended; and the Formulas for the Computation of Annual Consumptive Use, adopted April 27, 1964, as amended.

BE IT FURTHER RESOLVED that the RRCA hereby adopts the attached regulations of the RRCA, numbers 1 through 14, dated August 22, 2003.

BE IT FURTHER RESOLVED that the RRCA hereby adopts the RRCA Groundwater Model, dated July 1, 2003; as approved by the parties and filed in the case of *Kansas v. Nebraska and Colorado*, No. 126, Original, in the Supreme Court of the United States.

Adopted by the Republican River Compact Administration this 22nd day of August, 2003.

Roger Patterson

Chair, Republican River Compact Administration

Commissioner for Nebraska

David Pope

Commissioner for Kansas

Hal Simpson

Commissioner for Colorado