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JUN 23 1995

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TELECOPIER TRANSMITTAL SHEET

NUMBER BEING FAXED TO (462) 471-2900

DATE: 6/23

TIME: 3:20 pm.

DELIVER TO: Ann BLEED

FROM: JFS

COMMENTS: I'd like early draft Art. IV
(New Art. VII) contained a 10-year
accounting period. It was stipulated, as
was the "variation" provision based on a
10 year
average
for
Art. V

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 5

IF THERE ARE ANY PROBLEMS, PLEASE CONTACT OUR OFFICE IN SANTA FE, NEW MEXICO AT (505) 983-3880.

natory states hereto, their citizens, agents and corporations and all others engaged or interested in the diversion, storage and use of the waters of the North Fork of the Republican River.

ARTICLE IV.

Insofar as physically available, there is hereby allocated to Colorado, ~~its citizens, agents and corporations,~~ for beneficial consumptive use annually, ^{of the people of that State} the following quantities of water; respectively, from the designated ~~basins~~ ^{drainage} basins for use therein:

- ~~From Frenchman Creek~~ ^{River} drainage basin in Colorado, the entire water production thereof;
- ~~From Red Willow Creek~~ drainage basin, ^{in Colorado} the entire water production thereof;
- ~~From the North Fork of the Republican River~~ drainage basin, 8500 acre feet;
- ~~From the Arikaree River~~ drainage basin, 15,400 acre feet;
- ~~From the South Fork of the Republican River~~ drainage basin, 25,400 acre feet;
- ~~From Beaver Creek~~ drainage basin, 5500 acre feet;

Insofar as physically available, there is hereby allocated to Kansas and its citizens, agents and corporations, for beneficial consumptive use annually, the following quantities of water, respectively, from the designated basins for use therein:

15
2/17/0
6/20/0

From ~~the~~ Arikaree River drainage basin, 1000 acre feet;

From ~~the~~ South Fork of the Republican River drainage basin, 18,700 acre feet;

From Driftwood Creek drainage basin, 500 acre feet;

From Beaver Creek drainage basin, 6400 acre feet;

From Sappa Creek drainage basin, 9000 acre feet;

From Prairie Dog Creek drainage basin, 12,800 acre feet;

From the main stem of the Republican River at the Nebraska-Kansas state-line, 158,000 acre feet, provided that Kansas shall have the right to divert all or any portion thereof at or near the Town of Guide Rock, Nebraska, or at any point down stream there from

same as before

Insofar as physically available, there is hereby allocated to Nebraska, its citizens, agents and corporations for beneficial consumptive use annually,

~~not hereinabove~~ allocated to Colorado and Kansas, the following quantities of

water, respectively, from the designated stream basins:

From the North Fork of the Republican River drainage basin, 11,000 acres feet;

From Frenchman Creek drainage basin, 33,000 acre feet;

From Roak Creek drainage basin, 4500 acre feet;

From the Arikaree River drainage basin, 3200 acre feet;

From Buffalo Creek drainage basin, 2800 acre feet;

From the South Fork of the Republican River drainage basin, 800 acre feet

From Driftwood Creek drainage basin, 1200 acre feet;

From Red Willow Creek drainage basin in Nebraska, 4200 acre-feet;

From Medicine Creek drainage basin, 4800 acre feet;

From Beaver Creek drainage basin, 6700 acre feet;

From Sappa Creek drainage basin, 8800 acre feet;

From Prairie Dog Creek drainage basin, 2100 acre feet;

From the main stem of the Republican River between the Colorado-Nebraska state line and the Nebraska-Kansas state line, and from the smaller tributaries thereof below the junction of Sappa Creek, 181,500 acre feet.

~~The several allocations of water from individual ^{drainage} basins under this Article are for present and future uses within such stream basins and for areas immediately below such tributaries. These allocations are, however, in the nature of mass allocations to each state, and are subject to the laws of such state covering the public ownership and use of the water supplies of the particular state to which such allocations are made. No state shall have the right to dictate the method of distribution ^{or place of use} of the waters herein allocated to another state.~~

The foregoing quantities of water, allocated for average annual uses, shall be based upon any period of ten consecutive years reckoned in continuous progressive series, beginning with January 1st of the year this compact becomes

effective.

ARTICLE V.

The allocations of water made under Article IV are based on an assumed average annual virgin water supply originating in the Republican River Basin above the Nebraska-Kansas stateline of 475,000 acre feet. If in the future ^{the} ~~such~~ average annual virgin water supply ^{varies from} ~~falls below~~ this amount, it is the intent of this compact that the amounts hereinabove allocated to each state shall be reduced ^{or increased} in the relative proportions that the virgin water production of the Basin at the Nebraska-Kansas stateline, reckoned in continuous progressive series of ten years, ^{varies from} bears to the said amount of 475,000 acre feet.

ARTICLE VI.

A lower signatory state, its citizens, ^{agencies, associations} agents, and corporations shall have the right to ^{construct or} participate in the future construction and beneficial use of any storage reservoir ^{and diversion works} in an upper state for making available to a lower state the water herein allocated to such lower state, subject, however, to the ^{protection of the upper} preferred right of the state, its citizens, agents, or corporations in which such reservoir is located, to the use of any such reservoir for making available to the fullest extent required the allocations of water herein made to the state wherein any such reservoir may be located.