



DEPARTMENT OF NATURAL RESOURCES

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# DIVISION OF WATER RESOURCES

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

## SUMMARY OF OPINION TO BE EXPRESSED AT TRIAL, BASIS THEREFORE, AND ANY DATA OR INFORMATION CONSIDERED

Pursuant to *Kansas v. Colorado and Nebraska*, No. 126 Original, the following opinion may be expressed at trial by:

Mr. Dick Wolfe, State Engineer and Director of the Colorado Division of Water Resources and Colorado Commissioner for the Republican River Compact Administration, 1313 Sherman St., Suite 818, Denver, Colorado, (303)866-3581.

Opinion 1: Any application of the RRCA Groundwater Model or the Accounting Procedures that results in reducing the amount of water that a State is otherwise entitled to consume under the Republican River Compact is a violation of the Compact. The conditions agreed to by the three states in the Accounting Procedures attached as exhibit C to the Final Settlement Stipulation was done with careful consideration of many facts and was reasonable. The changes proposed by Nebraska only add new uncertainty and produce impacts that are unwarranted and nonsensical. The procedure proposed by Dr. Willem A. Schreüder provides an effective, simpler alternative that comports with the current calibration of the model and is consistent with historical operations. Ultimately, Nebraska has failed to demonstrate that the proposed revisions to the Accounting Procedures are an improvement over the existing procedures approved by the RRCA and used for almost ten years. Kansas has also not adequately explained in its expert reports why the appointment of a River Master is necessary or if the appointment of a River Master would apply to the State of Colorado.

Basis for Opinion No. 1: My knowledge and experience as the Colorado representative on the Republican River Compact Commission and consultations with Dr. Willem A. Schreüder and Mr. James Slattery. The Republican River Compact equitably divided the Virgin Water Supply of the Republican River between Colorado, Kansas and Nebraska. Each State is allowed to deplete a certain percentage of the Virgin Water Supply. If the RRCA Groundwater Model or the Accounting Procedures are applied in such a way that results in a State being unable to deplete the percentage of the Virgin Water Supply provided by the Compact or reduces the amount of water that a State is otherwise entitled to consume under the Compact, that application of the Model or Accounting Procedures would violate the Compact.

Respectfully Submitted March 15, 2012.

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Dick Wolfe, P.E.  
Colorado Commissioner  
Republican River Compact Administration

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